

# Michigan Register

Issue No. 8 – 2002 (Published May 15, 2002)



# GRAPHIC IMAGES IN THE MICHIGAN REGISTER

## COVER DRAWING

### *Michigan State Capitol:*

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

## PAGE GRAPHICS

### *Capitol Dome:*

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19<sup>th</sup> century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

### *East Elevation of the Michigan State Capitol:*

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

# Michigan Register

Published pursuant to § 24.208 of  
The Michigan Compiled Laws



Issue No. 8 — 2002

(This issue, published May 1, 2002, contains  
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**John Engler, Governor**



**Dick Posthumus, Lieutenant Governor**

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## PREFACE

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### PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

MCL 24.208 states:

Sec. 8 (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(1) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217.

- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
- (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
- (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
- (5) An agency shall transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

MCL 4.1203 states:

Sec. 203. (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

(2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.

(3) The Michigan register fund shall be used to pay the costs preparing, printing, and distributing the Michigan register.

(4) The department of management and budget shall sell copies of Michigan register at a price determined by the office of regulatory reform not to exceed cost of preparation, printing, and distribution.

(5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.

(6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.

(7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).

(8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).

(9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

#### **CITATION TO THE MICHIGAN REGISTER**

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

#### **CLOSING DATES AND PUBLICATION SCHEDULE**

The deadlines for submitting documents to the Office of Regulatory Reform for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reform is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reform, Executive Office, George W. Romney Building, 111 S. Capitol Avenue, Lansing, MI 48933

### **RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE**

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

### **SUBSCRIPTIONS AND DISTRIBUTION**

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$110.00 per year. Submit subscription requests to: DMB, Office of Administrative Services, P.O. Box 30026, 320 South Walnut Street, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reform (517) 373-0526.

### **INTERNET ACCESS**

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reform: [www.state.mi.us/orr](http://www.state.mi.us/orr)

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reform Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Brian D. Devlin, Director  
Office of Regulatory Reform



## 2002 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
2002		
1	January 15, 2002	February 1, 2002
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9	May 15, 2002	June 1, 2002
10	June 1, 2002	June 15, 2002
11	June 15, 2002	July 1, 2002
12	July 1, 2002	July 15, 2002
13	July 15, 2002	August 1, 2002
14	August 1, 2002	August 15, 2002
15	August 15, 2002	September 1, 2002
16	September 1, 2002	September 15, 2002
17	September 15, 2002	October 1, 2002
18	October 1, 2002	October 15, 2002
19	October 15, 2002	November 1, 2002
20	November 1, 2002	November 15, 2002
21	November 15, 2002	December 1, 2002
22	December 1, 2002	December 15, 2002
23	December 15, 2002	January 1, 2002
24	January 1, 2002	January 15, 2002

# CONTENTS

---

## ADMINISTRATIVE RULES FILED WITH SECRETARY OF STATE

---

### Department of Agriculture

Fairs, Exhibitions, and Racing Division ((ORR # 1999-040)

Regulation No. 851. Michigan State Fair .....2-20

### Department of Agriculture

Fairs, Exhibitions, and Racing Division ((ORR # 2001-051)

Regulation No. 808. Payment of Breeders' Awards.....21-22

### Department of Agriculture

Fairs, Exhibitions, and Racing Division ((ORR # 2001-053)

Regulation No. 814. Futurity and Sire Stakes Races .....23-26

### Department of Agriculture

Fairs, Exhibitions, and Racing Division ((ORR # 2001-054)

Regulation No. 820. Michigan-Bred Pari-Mutuel Races.....27-28

---

## EMERGENCY RULES

---

### Department of Corrections

Certificate of Need to Extend Emergency Rules.....30

---

## PROPOSED ADMINISTRATIVE RULES, NOTICES OF PUBLIC HEARINGS

---

### Department of Agriculture

Pesticide and Plant Pest Management Division (ORR # 2000-089)

Regulation No. 628. Seed Potato Certification.....32-38

### Department of Consumer and Industry Services

Bureau of Safety and Regulation (ORR # 2002-014)

Construction Safety Standards .....39-41

### Department of Consumer and Industry Services

Occupational Health Standards (ORR # 2002-016)

Part 382. Nonionizing Radiation.....42-44

**Department Agriculture**

Racing Commissioner (ORR # 2002-026)

Notice of Public Hearing .....45

---

**EXECUTIVE ORDERS  
AND  
EXECUTIVE REORGANIZATION ORDERS**

---

Executive Order No. 8  
National Guard Assistance .....47Executive Order No. 9  
Executive Reorganization.....48-52

---

**OPINIONS OF THE  
ATTORNEY GENERAL**

---

AG Opinion No. 7105  
Cities, Incompatibility, Public Officers and Offices .....54-57

---

**ENROLLED SENATE AND HOUSE  
BILLS SIGNED INTO LAW OR VETOED**

---

Table (2002 Session) .....59-75

---

**MICHIGAN ADMINISTRATIVE CODE TABLE**

---

Table (2002 Session) .....77-80

---

**CUMULATIVE INDEX**

---

Cumulative Index (2002).....81-84

---

**ADMINISTRATIVE RULES**  
**FILED WITH THE SECRETARY OF STATE**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(f) Administrative rules filed with the secretary of state.”*

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**ADMINISTRATIVE RULES**

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**ORR # 1999-040**

**DEPARTMENT OF AGRICULTURE**

**FAIRS, EXHIBITIONS AND RACING DIVISION**

**REGULATION NO. 851 MICHIGAN STATE FAIR**

Filed with the Secretary of State on April 16, 2002.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the department of agriculture by section 7 of 1978 PA 361, MCL 285.167)

R 291.301, R 291.303, R 291.304, R 291.311, R 291.312, R 291.313, R 291.314, R 291.315, R 291.316, R 291.317, R 291.318, R 291.319, R 291.321, R 291.322, R 291.331, R 291.332, R 291.333, R 291.334, R 291.335, R 291.336, R 291.337, R 291.338, R 291.339, R 291.341, R 291.342, R 291.343, R 291.344, R 291.345, R 291.346, R 291.347, R 291.351, R 291.352, R 291.353, R 291.354, R 291.355, R 291.356, R 291.357, R 291.358, R 291.359, R 291.360, R 291.363, R 291.365, R 291.375, R 291.377, R 291.378, R 291.379, R 291.381, R 291.391, R 291.392, R 291.393, R 291.394, R 291.395, R 291.397, R 291.398, R 291.399, R 291.401, R 291.402, R 291.403, R 291.404, R 291.405, R 291.413, R 291.422, R 291.423, R 291.425, R 291.426, R 291.427, R 291.441, R 291.442, R 291.443, R 291.449, R 291.450, R 291.471, R 291.491, R 291.492, R 291.493, R 291.494, R 291.496, and R 291.497 of the Michigan Administrative Code are amended; R 291.400a, R 291.407 and R 291.424 are added to the Code; and R 291.472, R 291.473, R 291.475, R 291.476, R 291.478, R 291.479, R 291.480, and R 291.495 of the Code are rescinded as follows:

**PART 1. GENERAL PROVISIONS**

**R 291.301 Definitions, A to M.**

Rule 1. As used in these rules:

- (a) "Agricultural exhibitor" means a person who enters an exhibit in the agricultural and livestock section of the fair.
- (b) "Commercial exhibitor" means a holder of a commercial exhibit permit, his or her agent, or designated representative.
- (c) "Commission" means the commission of agriculture.
- (d) "Community arts exhibitor" means a person who enters an exhibit in the community arts section of the fair.
- (e) "Concession stand" means a stand that sells and immediately delivers food, beverages, specialty items, balloons, art work, novelties, or other like items to fair patrons.
- (f) "Council" means the state exposition and fairgrounds council.
- (g) "Director" means the director of the department of agriculture.
- (h) "Educational exhibitor" means an educational, charitable or nonprofit corporation exhibitor who is granted a permit by the fair.

- (i) "Exhibit" means an article, item, or livestock entered for public display at the fair.
- (j) "Fair" means the annual fair staged at Detroit by the agriculture commission, with the advice of the council, and consisting of a competitive and educational exhibit of agricultural commodities; livestock and poultry; and manufactured products for which awards and premiums may be paid; industrial, commercial, and recreational pursuits; and other related activities.
- (k) "Food concession" means a place or stand which sells or serves food or beverages, or both, and includes a restaurant or grabstand or both
- (l) "General manager" means the general manager of the fair.
- (m) "Grab stands" means a place that serves hamburger sandwiches, hot dogs, or other specialty food, soft drink, and coffee.

**R 291.303 Definition, A to d.**

Rule 3. As used in these rules:

(a) "Livestock" means animals used for human food and fiber or for serviced to humans. Livestock includes, but is not limited to all of the following:

- (i) Cattle.
- (ii) Sheep.
- (iii) New world camelids.
- (iv) Goats.
- (v) Bison.
- (vi) Captive cervidae.
- (vii) Ratites.
- (viii) Swine.
- (ix) Equine.
- (xi) Poultry.
- (xii) Aquaculture.
- (xiii) Rabbits.

Livestock does not include dogs and cats.

- (b) "Restaurant" means a place that serves plate lunches, dinners, or any other meal consisting of 2 or more foods.
- (c) "Sabotage" means the interference with any livestock belonging to or owned by another person that has been registered, entered in, or exhibited at, the Michigan state fair, or been raised with the intent of being entered in an exhibition.
- (d) "Tampering" means the treatment of livestock so that food derived from the livestock would be considered adulterated or the treatment of livestock consistent with any practice described in R 291.423.

**R 291.304 Permit classifications defined.**

Rule 4. Permits are classified as follows:

- (a) "Building or grounds permit" means an agreement, other than a lease, for use of any part of the buildings or fairgrounds when the fair is not in operation.
- (b) "Commercial exhibit permit" means a permit to operate a stand, exhibit, or building, the main purpose of which is to exhibit commercial products to solicit prospective buyers or to make direct sales at the fair.
- (c) "Concession permit" means a permit to operate a concession stand for the purpose of making direct sales to patrons of the fair.

## **BUSINESS PROCEDURES**

### **R 291.311 Scope of rules; business transactions.**

Rule 11. (1) Part 1 of these rules applies to the operation of the fairgrounds both during the fair and at other times.

(2) Business transactions of the fair shall be conducted according to established practices and procedures of the state of Michigan.

### **R 291.312 Procurement of services.**

Rule 12. (1) The department shall establish procedures for the procurement of services and goods, which shall include a competitive bid process when appropriate.

(2) The general manager shall refer the selection of bids or proposals involving long-term commitments and capital expenditures to the council and department director for approval, citing the reasons for the selection made.

(3) If the council and director approve the recommended bid or proposal, then the general manager shall prepare a contract. Before signing the contract, the general manager shall submit to the office of the attorney general for approval of the contract's legal form. The director or his or her designee shall sign the contract for the department. The department shall forward a copy of the contract to the appropriate state agency in conformance with the agency's requirements.

(4) The general manager shall negotiate the contractual arrangements for personal services. The contracts shall conform to the regulations of the Michigan civil service commission for the hiring of personnel. The general manager shall hire permanent personnel in conformance with the provisions and regulations of the department and the civil service commission.

### **R 291.313 Concession permits.**

Rule 13. (1) The procedure described in this rule applies to the issuance of concession permits.

(2) A person seeking concession space shall fill out an application form. The applicant shall sign the affidavit of ownership and attach the affidavit to the application.

(3) The fair shall grant a permit to a concessionaire who has established satisfactory performance records at the fair before a permit is issued to a new concessionaire. The general manager or designee shall determine the eligibility and desirability of the new concession request based on vendor mix and suitability to family entertainment, space availability, and consistency with fair values.

(4) Before issuing a concession permit, the general manager shall recommend to the council the space rental rates for all concessionaires, based on the amount of space requested, type of concession, and location.

(5) The fair shall notify an approved new applicant in writing.

(6) At the time of the signing of the concession permit, the concessionaire shall pay the fees which are approved by the advisory council and which are stated on the application for a permit or are published by the department.

(7) A concessionaire shall comply with the provisions of the concession permit form, and with the rules and regulations of the department of agriculture.

### **R 291.314 Commercial exhibitor permit.**

Rule 14. (1) The procedure described in this rule applies to the issuance of commercial and industrial exhibit permits.

(2) A person seeking exhibit space shall fill out an application form.

(3) An exhibitor permit that is given final approval shall then be signed and executed by the general manager or designee.

(4) The fair shall notify an approved exhibitor applicant in writing.

(5) At the time of signing the permit, the exhibitor shall pay the fees which are approved by the advisory council and which are stated on the application for the permit or are published by the department and the exhibitor shall agree to the location of his or her exhibit space. An exhibitor shall comply with the provisions of the exhibit space permit form, and with the rules and regulations of the department of agriculture.

**R 291.315 Rejection or conditional acceptance of applications.**

Rule 15. The general manager may reject, or accept conditionally, an application for a permit based on vendor mix and suitability to family entertainment, space availability, and consistency with fair values.

**R 291.316 Space allocation.**

Rule 16. (1) The procedures described in subrule (2) of this rule apply to the allocation of space.

(2) The general manager shall determine the allocation, number, and location of commercial, concession, and free exhibitor spaces based on vendor mix, family entertainment, and fair values.

**R 291.317 Interpretations; disputes; documentary provisions.**

Rule 17. (1) The provisions printed in the premium books, the exhibitor's permit, the concession permit, and the building or grounds permit shall be followed in the operation and conduct of business at the fair or on the fairgrounds.

(2) The department may interpret these rules and settle and determine questions and disputes in regard to, arising out of, connected with, or incident to, the operation of business.

**R 291.318 Inspection of premises.**

Rule 18. The fair management and authorized agents for governmental agencies may, at any time, enter upon and inspect any portion of the premises to enforce compliance with applicable statutes, ordinances, and rules. In signing the concessionaire agreement, vendors consent to allow fair management and authorized agents for governmental agencies, at any time, to enter upon and inspect any portion of the premises to enforce compliance with applicable statutes, ordinances, and rules.

**R 291.319 State registration and hiring of minors.**

Rule 19. (1) Businesses operating in Michigan shall register in accordance with the assumed or fictitious name act 1907 PA 101, MCL 445.1 et seq. Corporations shall register with the state treasury department and department of consumer and industry services.

(2) A minor shall obtain a Michigan department of consumer and industry services approval number and a working permit from the minor's local school attendance department. Failure to meet the requirements in this subrule is grounds for cancellation of a permit or a lease.

**R 291.321 Advertising.**

Rule 21. A person shall not place any advertising matter upon a building, tree, or any other place on the grounds and shall not distribute advertising matter or literature outside the place assigned by the terms of the permit or lease.

**R 291.322 Destroyed and unclean premises.**



Rule 22. If the premises occupied by the permit holder, concessionaire, or lessee is destroyed in any degree, or left in an unclean condition as a result of the use of the premises by the permit holder, concessionaire, or lessee, then the general manager shall repair or clean the premises and charge the permit holder, concessionaire, or lessee the cost of the labor and materials.

## **PART 2. EXHIBITORS AND CONCESSIONAIRES AT FAIR**

### **R 291.331 Access before fair.**

Rule 31. An exhibitor or concessionaire shall be granted access to the fairgrounds and exhibit buildings as defined by permit before the opening day of the fair for the purpose of preparing his or her exhibits or concessions.

### **R 291.332 Cancellation of space allotments and permits.**

Rule 32. (1) The general manager shall cancel a space allotment and permit if an exhibitor or concessionaire fails to occupy the space allotted to him or her with the exhibit or concession by the date specified on his or her permit or for violation for any state law, city ordinance, or these rules.

(2) An exhibitor or concessionaire may cancel the space allotted to him or her for the fair by advising the general manager in writing on or before July 15 of the year in which he or she has a permit.

### **R 291.333 Relocation of assigned space.**

Rule 33. The general manager may require an exhibitor or concessionaire to locate or move his or her exhibit or concession to an alternate site, due to safety considerations or in the best interest of the fair. If the fair cannot find a suitable alternate site, then the exhibitor or concessionaire shall receive a pro rata refund of space rent paid.

### **R 291.334 Labor unions.**

Rule 34. The general manager may cancel a permit in case of labor union disputes involving an exhibitor or concessionaire which may lead to or result in a strike or picketing of the fairgrounds. An exhibitor or concessionaire whose permit is canceled shall receive a pro rata refund of unearned rental for the balance of the period provided for in his or her permit.

### **R 291.335 Rentals and charges.**

Rule 35. (1) An exhibitor or concessionaire shall pay for space rentals by the dates specified on the permit.

(2) If rental or other charges are unpaid at the close of the fair, then the state of Michigan shall have a possessory lien on any of the exhibitor's or concessionaire's property located on the fairgrounds to satisfy liabilities of the debtor to the fair or to the state of Michigan. The lien may be perfected by sale in the same manner as sales on execution are conducted in this state.

### **R 291.336 Construction of exhibits and stands.**

Rule 36. (1) An exhibitor shall construct an exhibit in a building so as not to obstruct the public's view of an adjacent exhibit.

(2) An exhibitor's displays and advertising which form the back wall of his or her exhibit shall not be more than 8 feet in height, except when in the best interest of the fair, written permission from the fair management is obtained by the exhibitor.

(3) An exhibitor or concessionaire shall not mark, paint, drill, dig, or in any manner deface the premises, except by permission of the general manager. At the expiration of the fair, the exhibitor or concessionaire shall surrender the premises in as good condition as when occupied. The exhibitor or concessionaire is not responsible for reasonable wear and tear of the premises.

**R 291.337 Signs and advertising.**

Rule 37. (1) An exhibitor or concessionaire shall not place a sign or advertising which overhangs aisles in a building.

(2) An exhibitor or concessionaire shall post on his or her premises only signs that promote the type of concession or product approved under the permit. All other types of signs or advertising shall be approved by the general manager as being in the best interest of the fair and not in conflict with other approved vendors.

(3) An exhibitor or concessionaire shall post a concession permit on the concession stand before the concessionaire may begin to operate.

**R 291.338 Special authorization.**

Rule 38. The general manager shall grant reduced admission tickets and authorizations for setup and electrical hookups only after an exhibitor or concessionaire applies and the exhibitor's or concessionaire's contract is paid in full.

**R 291.339 Electrical services.**

Rule 39. The fair shall furnish electrical power only to the point of outlet. Special and additional connections for the operation of spotlights, lamps, motors, signs, and other equipment shall be furnished by the exhibitor or concessionaire. The fair shall furnish the application for requested requirements. The fair shall designate a competent electrician who shall be in attendance upon the grounds before, during, and after the fair. The exhibitor or concessionaire may make arrangements for necessary expert service. The licensed contractor and the exhibitor or concessionaire shall arrange for payment for services before the fair.

**R 291.341 Supervision and police and fire protection.**

Rule 41. (1) Superintendents or guards shall provide supervision for exhibit buildings 2 days before the fair, during the fair, and until 5:00 p.m. the day after the fair.

(2) The department shall provide exhibitors and concessionaires with normal police and fire protection during the fair.

**R 291.342 Nonliability for loss or damage.**

Rule 42. The department shall use diligence to protect the exhibitor and concessionaire's property after arrival of the property on the fairgrounds. However, the state of Michigan, its officers, agents, and employees are not liable for loss, injury, or damage to an exhibitor or concessionaire.

**R 291.343 Risks assumed.**

Rule 43. (1) An exhibitor or concessionaire shall assume all risks resulting from exhibiting and merchandising while at the fair.

(2) An exhibitor or concessionaire shall give special attention to the protection of portable materials during the setup period before the fair and during the teardown period immediately after the fair.

(3) A shipment of materials unaccompanied by its owner shall be consigned entirely at the owner's risk. The fair shall accept shipment upon delivery at the fairgrounds if properly marked and if cartage and other charges are prepaid.

**R 291.344 Insurance; kinds and amounts.**

Rule 44. An exhibitor or concessionaire is responsible for providing his or her own insurance protection against property damage, public liability, and workers' compensation as required by Michigan statutes in accordance with the permit issued by the fair.

**R 291.345 Insurance certificates.**

Rule 45. The general manager shall not admit the property of an exhibitor or concessionaire, who is required, under R 291.344 to carry insurance, on the Michigan state fairgrounds unless the exhibitor or concessionaire has presented to the fair a certificate of public liability and property damage insurance properly signed and dated by the insurance carrier. In addition, an exhibitor or concessionaire shall provide a certificate of workers' compensation insurance meeting the requirements of 1969 PA 317, MCL 418.101 et seq., to the fair. If the exhibitor or concessionaire is a self-insurer under 1969 PA 317, MCL 418.101 et seq., then authorization for self-insurance is required.

**R 291.346 Fire prevention ordinances.**

Rule 46. An exhibitor or concessionaire shall comply with and conform to the fire prevention ordinances of the city of Detroit that pertain to exhibits and concessions. The concessionaire, exhibitor, or leasee shall comply immediately with any order or regulation by either the fire marshal or the general manager relating to fire protection and fire hazards.

**R 291.347 Reduced rate admission ticket.**

Rule 47. An exhibitor or concessionaire is not entitled to any free admissions. The exhibitor or concessionaire may obtain reduced rate admission tickets at a rate prescribed by the council. A refund shall not be made for unused tickets.

**R 291.351 Parking area permits.**

Rule 51. The general manager shall establish a parking area for exhibitor and concession permit holders. A permit holder may purchase a parking permit at the prevailing rate established by the council. A refund shall not be made for permits that have been purchased.

**R 291.352 Vehicles.**

Rule 52. (1) On the opening day of the fair and at all times the exhibitor and concessionaire vehicles shall comply with all of the following provisions:

- (a) Display a commercial sticker issued by the general manager.
- (b) Enter the fairgrounds through the service gate designated by the general manager.
- (c) Be subject to inspection by the designated officers.

(2) During the fair all vehicles servicing exhibits and concessions shall enter the grounds through the designated service gate. Exhibitors and concessionaires may use vehicles to service and supply exhibits and concessions up to 9:30 a.m. daily, at which time the vehicles shall leave the fairgrounds proper and return to the exhibitor or concessionaire parking lots or shall leave the grounds. Failure to comply with this rule shall result in the vehicle being towed. Consistent failure to comply with this rule shall be cause for cancellation of the permit.

**R 291.353 Mailing lists.**

Rule 53. An exhibitor or concessionaire developing mailing lists during the period of the fair shall submit a written description of the purpose for the list and the method the exhibitor or concessionaire proposes to use in acquiring the list. The permit holder shall not attempt to develop a mailing list of fair patrons by any method or scheme unless written notice is provided to the general manager.

**R 291.354 Advertising and selling.**

Rule 54. (1) An exhibitor or concessionaire shall not advertise or sell any product from the space allotted to the exhibitor or concessionaire for any company not specified on his or her permit.

(2) An exhibitor or concessionaire shall distribute handbills or other advertising matter only from the permit premises.

(3) A commercial exhibitor's or concessionaire's solicitors do not have walking privileges, and shall remain in his or her space.

(4) Retail selling by an exhibitor or concessionaire with or without over-the-counter delivery of an item is not allowed, except when the privilege has been specifically applied for and approved in accordance with these rules.

**R 291.355 Give-a-ways.**

Rule 55. (1) An exhibitor or concessionaire shall obtain from the general manager written permission to distribute give-a-ways. The written permission shall be evidenced by official approval on the face of the exhibitor's or concessionaire's permit.

(2) An exhibitor or concessionaire shall not distribute advertising give-a-ways may conflict with any type of concession for which a permit has been granted and which is not in the best interest of the fair.

**R 291.356 Prices.**

Rule 56. The general manager may make adjustments in retail and wholesale prices. If, in the opinion of the general manager, a retail or wholesale concessionaire fails to justify as reasonable, based on current market prices outside the fairgrounds, the prices that the retail or wholesale concessionaire is charging for merchandise, then the general manager may adjust the prices.

**R 291.357 Sound and noise.**

Rule 57. (1) Excessive noise from the operation of an exhibit or concession, or noisy or objectionable methods employed in sales or demonstration activities shall not be permitted. An exhibitor or concessionaire shall have an equal opportunity to conduct his or her own demonstrations without interference from his or her neighbors. Excessive noise or objectionable methods is any noise or method that interferes with public safety and other activities of the fair.

**R 291.358 Unclean and destroyed premises.**

Rule 58. (1) An exhibitor or concessionaire shall sweep refuse from his or her premises into the building aisles or onto the streets from 10 p.m. to 11 p.m. each night. Fair clean-up personnel shall sweep refuse from commercial buildings and areas adjacent to concession stands each night after the buildings and streets are emptied. Fair clean-up personnel shall not enter the exhibitor's booths within buildings or concession stands.

(2) If an exhibitor or concessionaire destroys the premises in any manner, or if the premises is left in an unclean condition as a result of the use of the premises by the exhibitor or concessionaire, then the general manager shall

repair or clean the premises and charge the exhibitor or concessionaire. If an exhibitor or concessionaire fails or refuses to pay the charge, then he or she is not eligible for a permit until the charges are paid.

**R 291.359 Fraud and misrepresentation.**

Rule 59. The department shall prohibit any form of fraud practiced on patrons of the fairgrounds. Willful and intentional misrepresentation or false advertising shall result in expulsion of the exhibitor, concessionaire, or lessee from the fairgrounds and forfeiture of his or her contract and fees without recourse.

**R 291.360 Fair officers' and employees' interest in concession permits**

Rule 60. An officer or employee in any division, department, or section of the fair shall not have a concession permit or any interest or connection with any concession operated on the fairgrounds. If an interest or ownership is discovered, then the concession permit shall be canceled and all money paid on the permit shall be forfeited without recourse.

**R 291.363 Release and removal of exhibits and stands.**

Rule 63. (1) As a protection to exhibitors and concessionaires, fair releases shall be required for all material taken from the fairgrounds by exhibitors and concessionaires at the end of the fair. The fair shall distribute releases at the designated fair closing time.

(2) A truck, car, or any type of vehicle shall not enter the fairgrounds to pick up exhibits and stands until a time that is determined by the fairgrounds.

**R 291.365 Prohibition of sales or displays.**

Rule 65. The permit holder shall sell, handle, serve, display, or exhibit only the articles that are specified on the permit, and only from and upon the space assigned; however, the general manager may prohibit the display, sale, or giving away of any item which the general manager determines endangers the public health, safety, or morals. The permit holder agrees to comply immediately with the ban. The permit holder may, within 24 hours, file a written request with the director for a review of the general manager's decision. The sale of the item shall not be permitted until and unless the director reverses the decision of the general manager.

## **FOOD CONCESSIONS**

**R 291.375 Garbage control.**

Rule 75. A food concessionaire shall furnish a minimum of two 20-gallon garbage cans which have tops and which move as designated by the fair management. The permit holder shall furnish appropriate can liners or bag liners and shall use the liners in all garbage cans. When the can liners or bag liners are filled, then the permit holder shall remove the liners, securely close the liners, and pile the liners neatly for pick up in a given area, and shall insert a new liner. The fair shall pickup garbage each day.

**R 291.377 Food purchases by retail concession permit holders.**

Rule 77. (1) A retail concession licensee shall buy food and beverages from wholesalers who have been granted exclusive distribution. If the licensee is unable to obtain a food specialty item through a licensed wholesale purveyor under the terms of his or her contract, then the general manager or his or her authorized representative may permit arrangement for procurement of the food specialty item elsewhere.

(2) A concessionaire who brings food or beverages, or both, on the fairgrounds without permission of the general manager shall have his or her concession permit revoked and shall forfeit his or her fees without recourse.

**R 291.378 Enforcement of health, sanitation, and food laws and regulations.**

Rule 78. (1) 2000 PA 92, MCL 289.1101 et seq., governing the cooking, dispensing, and sale of foods and beverages shall be strictly enforced. Failure to comply with the law and other applicable rules and regulations are grounds for cancellation of a food concession permit.

(2) A food permit holder shall comply with additional health regulations. The fair shall notify the food permit holder of the additional regulations.

(3) Any permit holder who sells or dispenses food products or beverages expressly agrees that the general manager may close the permit holder's place of business or expel the permit holder's agents and employees from the fairgrounds, with forfeiture of all fees, if the permit holder, after being warned by the general manager, receives a notice of a violation of health, sanitation, or food laws by appropriate governmental representatives. The permit holder may appeal the closing of his or her place of business or his or her expulsion by filing a written request with the director for a review of the decision of the general manager. The permit holder's place of business shall not operate until and unless the director has reversed the decision of the general manager.

**R 291.379 Food service containers.**

Rule 79. A food concession permit holder shall serve soft drinks to customers in containers approved by the fairgrounds and the department of agriculture. Dishes and eating utensils used by the public shall be disposable, single-service, and safe.

**R 291.380 Rescinded.**

**R 291.381 Posted price lists.**

Rule 81. A food concessionaire shall post prices in a conspicuous place on the food concessionaire's stand.

**PART 3. AGRICULTURAL EXHIBITORS AT FAIRS**

**R 291.391 Qualifications.**

Rule 91. (1) Competition in all departments is open internationally unless otherwise specified. An animal entered in the Michigan exhibitors' classes shall be owned and exhibited by a resident of the state of Michigan. State and public institutions may compete for premiums.

(2) An employee of the Michigan state fair may not exhibit.

**R 291.392 Special offers.**

Rule 92. The department is not responsible for payment of special offers by associations and individuals. The general manager shall furnish to the various associations, upon request, the necessary lists of winning state fair exhibitors.

**R 291.393 Entries.**

Rule 93. (1) An exhibitor shall apply for entries in all departments using the printed form provided by the fair. An exhibitor, by signing the form, agrees to comply with the provisions printed in the application and printed in the premium book.

(2) Entries in the departments shall close on the dates listed for those departments in the premium book or at the time that all available space has been allotted. Late entries shall not be accepted unless the director extends the time period in the best interest of the fair.

(3) A question as to the propriety or right of an animal or article to compete in any class raised by an exhibitor or patron shall be submitted, in writing, to the general manager for a determination.

**R 291.394 Entrance fees.**

Rule 94. The fair shall charge an entrance fee, as stated both in the premium book under each of the departments and on the entry application. The entrance fee shall be charged to the exhibitor in each department and shall be paid at the time of application. Fees shall not be refunded for animals entered but not exhibited, except under both of the following conditions:

- (a) The request for refund is presented in writing with the exhibitor's reason for the request.
- (b) The request is accepted as a good cause and in the best interest of the fair by the general manager.

**R 291.395 Action on entries.**

Rule 95. (1) The general manager may take any of the following actions for justifiable cause to promote competition and the values of the fair:

- (a) Refuse the entry.
- (b) Conditionally accept the entry.
- (c) Cancel any entries.

(2) The general manager shall not permit a cancellation or additional entry after the closing date, unless the general manager determines that there is justifiable cause for cancellation or additional entry.

**R 291.397 Placing of exhibits.**

Rule 97. Exhibits in each department shall be in place for exhibition at the time specified in the printed provisions of each department. An exhibitor arriving late shall be excluded from exhibition, except for an exhibitor who is coming directly from another fair and who has advanced written permission from the livestock supervisor.

**R 291.398 Failure to exhibit.**

Rule 98. An exhibitor who fails or refuses to exhibit an animal or article for any reason which is unsatisfactory to the general manager shall forfeit all fees and rents paid by him or her, as well as premiums won by earlier exhibits. The general manager may order the exhibitor to vacate the stalls or pens and remove the animals from the fairgrounds.

**R 291.398a Release of exhibits.**

Rule 98a. (1) The release time of an exhibit is specified in the provisions listed in the premium book. An exhibitor removing an animal or article before the hour of release for that department without written permission of the general manager shall forfeit all fees paid and all premiums and awards won.

(2) The livestock supervisor may permit an early release of an exhibitor upon written request due to participation in other agricultural exhibits or because of family hardship.

**R 291.399 Protection of exhibits; risk of loss.**

Rule 99. The department shall use diligence to protect livestock and articles entered for exhibition or display after arrival of the livestock and articles on the fairgrounds. However, the state of Michigan, its officers, agents, and employees are not liable for loss, injury, or damage to such livestock or articles.

**R 291.400 Livestock Committee.**

Rule 100. (1) The department shall establish a livestock committee. The membership of the committee shall be comprised of representatives from each of the following:

- (a) Each livestock species committee.
- (b) The auction committee.
- (c) Michigan state university.
- (d) The state veterinarian or his or her designee.
- (e) The director of the Michigan department of agriculture, Fairs, Exhibitions and Racing Division or his or her designee.
- (f) A veterinarian in private practice.
- (g) The general manager.

The agriculture superintendent shall serve as the staff advisor to the committee.

(2) The committee has all of the following duties:

- (a) Responsibility for the review of all policies and procedures developed by the agriculture superintendent to determine if the policies and procedures are in the best interest of the Michigan state fair and the industry.
- (b) Reviewing all complaints filed regarding livestock exhibitions at the fair and making recommendations to the fair manager for appropriate action.
- (c) Establishing a subcommittee for the livestock auction.
- (d) Establishing a subcommittee for each species in order to provide recommendations for show guidelines.

**R 291.400a Agriculture superintendent's duties.**

Rule 100a. Under direction of the general manager, the agriculture superintendent shall perform all of the following duties:

- (a) Be responsible for all livestock and agriculture exhibits and enforce all regulations, procedures, and policies governing the livestock and agriculture departments.
- (b) Establish procedures for documentation and verification of awards.
- (c) Appoint all judges upon recommendation of the species subcommittees.
- (d) Review annually all policies and procedures for agriculture exhibition and submit recommendations for revisions to the livestock committee for review. Publish the annual premium book.

**R 291.401 Superintendent's duties.**

Rule 101. (1) The superintendent shall have charge of the department to which the superintendent is assigned, and shall enforce all regulations, procedures, and policies of the assigned department.

- (2) The superintendent shall be appointed by the agriculture superintendent with the recommendation of a species advisory committee.
- (3) The superintendent shall direct the calling of classes for judging in accordance with the printed program as far as practicable and shall ensure that the judges report fully upon each animal or article exhibited in each class.
- (4) The superintendent shall perform all duties required in this rule. The performance of the duties shall be under the direction of the agriculture superintendent.

**R 291.402 Judges; self-interest; objections.**

Rule 102. (1) A person shall not act as judge in any class in which he or she is interested as an exhibitor, agent, employee of an exhibitor, or otherwise. If a judge is an interested entity, then the general manager shall remove the interested judge and substitute another judge for that specific class.



(2) A person who objects to a person serving as judge shall submit the objection to the agriculture superintendent, in writing, before the making of an award, and shall state the specific reasons. The agriculture superintendent shall refer the objection to the general manager who shall make a determination based on the promotion of competition and the best interest of the fair.

**R 291.403 Judges; duties; decisions.**

Rule 103 (1) Judges shall comply with fair regulations, procedures, and policies in deliberating awards.

(2) If a judge has good reason to believe that an exhibitor, by false entry or otherwise, is attempting to deceive the judge or the public to obtain a premium by misrepresentation, then the judge shall report the facts immediately to the superintendent. The superintendent shall report immediately to the general manager or his or her designee for a determination of the eligibility of the exhibitor to show the animal or article involved.

(3) The decision of the judges is final and no appeal shall be considered, except in the case of a formal protest.

**R 291.404 Premiums.**

Rule 104. (1) A judge's book only shall be used as evidence for payment of premiums. Ribbons and tags are not accepted as evidence of payment of premiums.

(2) A judge or superintendent shall report to the general manager an exhibitor who insults a judge in any manner or who influences another person to insult a judge. The general manager may order the exhibitor to forfeit all premiums and be excluded from exhibiting all his or her animals or articles.

**R 291.405 Formal protests.**

Rule 105. (1) An exhibitor or patron shall make a formal written protest to the general manager and shall set forth, in an affidavit, the grounds for the protest. A formal protest against an exhibition of either animals or articles shall be filed not less than 24 hours before the awards are made. The agriculture superintendent shall hear the protest and immediately recommend an action to be taken by the general manager before the showing. A formal protest against an award shall be filed within 6 hours after the award is made and shall be considered by the general manager. The general manager shall notify interested parties and give parties an opportunity to submit evidence before a final decision according to the procedure established by the department.

(2) A person making a formal protest shall deposit a sum of \$50.00. If the protest is sustained, the fair shall return the deposit to the complainant, and, if it is not sustained, then the deposit shall be forfeited.

(3) An exhibitor against whom a protest has been filed has the right to read the statement of protest.

**R 291.407 Penalties for misconduct.**

Rule 107. (1) If clear and convincing evidence is obtained that a regulation, policy, or procedure has been violated or fraud or deception has occurred in association with exhibiting in the fair, then the general manager shall take 1 or more of the following actions:

(a) Disqualification of the exhibit in question.

(b) Disqualification of any or all other exhibits of the exhibitor.

(c) Withdrawal of all premiums, trophies, awards, or money won by the exhibitor.

(d) Barring the exhibitor or the exhibitor's immediate family, or both, from competing at the Michigan state fair for not more than 3 years. Immediate family includes parents, grandparents, children, grandchildren, and siblings.

(2) If fraud or deception is discovered before final placing by the judge, then the exhibit will be declared ineligible to show and the exhibitor will be required to remove the exhibit from the fairgrounds.

(3) If fraud or deception is discovered after an exhibit has been judged, then the placing will be voided and the exhibitor shall be required to remove the exhibit from the fairgrounds. In the case of fraud or deception discovered after market livestock have been judged and before sale in the livestock sale, the placing will be voided and the animal not permitted to sell in the sale. The exhibitor will be required to remove the market animal from the fairgrounds.

(4) If fraud or deception is discovered after a market animal has been sold, then the money associated with the sale shall be remitted to the buyer. Other animals will not be moved up in placing. If any reward has already been awarded, then the livestock committee will require the exhibitor to refund all premiums, trophies, awards, ribbons, or sale money under the assessed penalty.

**R 291.413 Rules; interpretation; violation.**

Rule 113. (1) The general manager shall interpret the meaning and application of rules in this part. An exhibitor may request an opinion from the general manager. The request for opinion shall be in writing and returned to the entry office with the award book.

(2) Noncompliance with any rule in this part by an exhibitor shall result in forfeiture of all premiums, rights, and privileges without recourse.

**ANIMALS**

**R 291.422 Health requirements.**

Rule 122. All livestock presented for exhibition shall have a valid required official health certificate or a certificate of veterinary inspection and proof of required testing and negative results before displaying, exhibiting, or stabling the animals in the exhibition area or commingling with other animals. The official health certificate or certificate of veterinary inspection and the required testing shall be as defined in 1988 pa 466, MCL 287.701 et seq. Or by the department of agriculture and published in the premium book. Each animal presented for exhibition shall be examined by a veterinarian or veterinarian's representative before displaying, exhibiting, or stabling the animals in the exhibition area or before commingling with other animals. The presentation of the animals for examination shall occur at scheduled intervals depending on the exhibition schedule.

**R 291.423 Cruelty; prohibited conduct.**

Rule 123. (1) Livestock shall be treated in a humane manner and in accordance with generally accepted agricultural and management practices for the care of farm animals and acceptable commercial practices to protect the livestock's health, safety, or welfare. The livestock supervisor shall notify the proper authority when cruel or prohibited conduct is observed.

(2) The following practices are presumed to be threats to livestock health, safety or welfare; human health, safety, or welfare; or food safety, and are prohibited:

(a) Injection or insertion of any material into an animal for nonmedical purposes to modify the conformation or appearance of the animal.

(b) Injection or insertion of any material into an animal for medical purposes with the intent of the side effect causing a modification of the conformation or appearance of the animal.

(c) Striking, beating, hitting, or otherwise contacting an animal which would induce swelling or which changes or transforms conformation or appearance of that animal.

(d) Electric prods, canvas slappers, or other implements employed to drive animals shall be used as little as possible in order to minimize excitement and injury. Any use of the implements which, in the opinion of the superintendent, is excessive, is prohibited. Electrical prods attached to ac house current shall be reduced by a

transformer to the lowest effective voltage not to exceed 50 volts AC. Pipes, sharp or pointed objects, and other items which, in the opinion of the superintendent, would cause injury or unnecessary pain to an animal shall not be used.

(e) Performance of any surgical procedure to modify the conformation or appearance of an animal, except for surgical procedures performed by a licensed veterinarian for reasons of medical necessity or standard animal care practices.

(f) Presentation of any animal suspected of retaining any testicular or accessory reproductive tissue whether by natural occurrence or surgical process.

(g) Administration or allowing the administration of a prescription drug to livestock, intended for terminal or part-terminal show, either before or during the exhibition, unless the prescription drug is administered under all the following conditions:

(i) By or under the supervision of a veterinarian.

(ii) In accordance with label directions.

(iii) With an established veterinarian-client-patient relationship.

(iv) For a valid medical purpose only.

(v) The timing of drug withdrawal can be followed without risk to food safety.

(h) Administration or allowing the administration of an over-the-counter drug to livestock, intended for terminal or part-terminal show, either before or during the exhibition, unless the over-the-counter drug is administered under all of the following conditions:

(i) Under the supervision of the exhibitor or owner.

(ii) In accordance with label directions only.

(iii) For a valid medical purpose only.

(iv) The timing of drug withdrawal can be followed without risk to food safety.

(i) Administration or allowing the administration of an extra-label usage drug to livestock, intended for terminal or part-terminal show, either before or during the exhibition, unless the extra-label usage drug is administered under all of the following conditions:

(i) By or under the supervision of a veterinarian.

(ii) Used only as the extra-label directions provided by the veterinarian describe.

(iii) With an established veterinarian-client-patient relationship.

(iv) For a valid medical purpose only.

(v) The timing of drug withdrawal is extended as stated by the prescribing veterinarian on the label and can be followed without risk to food safety.

(j) Administration or allowing the administration of a prescription, extra-label usage, or over-the-counter drug to livestock, intended for a non-terminal show, either before or during the exhibition, unless the drug as described is administered under all of the following conditions:

(i) By or under the supervision of a veterinarian, if a prescription or extra-label usage drug is used or by or under the supervision of the exhibitor/owner, if an over-the-counter drug is used.

(ii) Used only as directed by the label or prescription.

(iii) With an established veterinarian-client-patient relationship.

(iv) Or a valid medical purpose only.

(k) Food products obtained from livestock administered a drug shall not be used for human consumption. An example of a food product includes milk.

(3) The exhibitor is responsible for any violation related to the adulteration or possible adulteration of livestock or food products. A violation includes either of the following:

(a) Improper withdrawal times followed or condemnation of carcasses due to violative drug residues.

(b) Taints and product quality issues.

**R 291.424 Drug testing of exhibition livestock.**

Rule 124. (1) The livestock supervisor shall develop a form to be signed by exhibitors indicating they will abide by all regulations of the fair, including the care and treatment of animals.

(2) The livestock supervisor shall collect and retain signed animal certification forms for all animal exhibitors entered in animal classes.

(3) Both of the following provisions apply to required drug testing of grand champions and reserved grand champions:

(a) The grand champion and reserve grand champion from the market steer, market hog and market lamb classes are subject to blood, urine, hair or tissue test.

(b) The exhibitor, parent or guardian shall take the champion animal to the testing area immediately after being named champion.

(4) The veterinarian or his or her designee shall collect urine, blood, tissue, and other test samples in accordance with the Michigan department of agriculture's protocol for the collection of livestock test samples at exhibitions. Test samples may be collected before, during, or immediately after a show. Deviations from the protocol shall be noted.

(5) The veterinarian or his or her designee may collect any urine, blood, tissue, or other test samples from the exhibition animals at the time of slaughter.

(6) The general manager may disqualify any animal, either live or slaughtered, found in violation of the use of drugs, chemicals, or feed additives, or any other portion of R 291.423.

(7) All of the following provisions apply to the random testing of animal exhibits:

(a) An animal entered in the fair is subject to blood, urine, hair, or tissue testing for just cause at the discretion of the fair manager or his or her designated representative.

(b) The fair manager may implement a random, blood, urine, hair, or tissue testing program.

(c) The veterinarian or his or her designee shall collect urine, blood, tissue, and other test samples in accordance with the Michigan department of agriculture's protocol for the collection of livestock test samples at exhibitions. The veterinarian or his or her designee may collect test samples before, during, or immediately after a show. Deviations from the protocol shall be noted.

(8) All of the following provisions apply to testing procedure:

(a) The fair manager shall provide notification to exhibitors of animals that the animals are subject to blood, urine, hair, or tissue testing as follows:

(i) By placing as grand or reserve champion.

(ii) For just cause suspicion.

(iii) As part of a random testing program.

(b) The general manager shall ensure that identification of animals tested and test samples are accurate.

(c) The general manager shall notify exhibitors of the testing results in a timely manner.

(d) The notification and procedure for test sample collections shall be printed in the premium book.

**R 291.425 Tampering or sabotage.**

Rule 125. Tampering or sabotaging an exhibit as defined in R 291.303 is prohibited.

**R 291.426 Livestock sale.**

Rule 126. (1) An exhibitor who exhibits livestock at a terminal show or partial terminal show consents to participating in the following auction sale.

- (2) All bidders at an auction sale following a terminal show or partial terminal shall consent to the slaughter of the livestock or delivery of the livestock to a licensed sale or slaughter facility.
- (3) Title to livestock sold at an auction sale and subsequently presented for slaughter or sale at a licensed livestock facility shall remain vested in the exhibitor, or, if the exhibitor is not the owner, in the owner until the livestock has been passed by inspection.
- (4) During inspection or testing, if the livestock carcass is preliminarily determined to have been tampered with or found to contain an unlawful substance, then 1 of the following shall occur:
  - (a) If the livestock carcass must be trimmed or reconditioned to comply with the meat inspection requirements, then the carcass shall be trimmed and reconditioned and released to the exhibitor, unless the successful bidder accepts the trimmed or reconditioned carcass.
  - (b) If the livestock carcass cannot be trimmed or reconditioned, then the livestock carcass shall be condemned in accordance with the meat inspection requirements.
  - (c) If testicular or accessing reproductive tissue is found, then the animal shall be disqualified and the carcass released to the exhibitor.

**R 291.427 Policies for exhibition.**

Rule 127. (1) The Michigan state fair shall publish a premium book as required by r 285.811.1 et seq., and make the premium book available to all exhibitors. Rules for exhibition will be published in the premium book or referenced and made available to the exhibitor upon request.

(2) The livestock committee shall determine generally accepted grooming practices for livestock and publish the practices in the premium book.

**PART 4. COMMUNITY ARTS EXHIBITORS AT FAIR**

**R 291.441 Qualifications for exhibitors.**

Rule 141. (1) Competition in the community arts section is open to residents of Michigan only. The exhibit shall be the work of the exhibitor and shall be shown in the exhibitor's name.

(2) An amateur is permitted to enter his or her work in competition unless otherwise stated. An amateur is a person who does not sell for profit on a part or full-time basis and whose exhibit represents a recreational hobby and whose monetary profit is less than \$2000 annually.

(3) A professional is a person engaged in an activity for a monetary profit of more than \$2,000.00 annually as a result of his or her craft or skill.

(4) An employee of the Michigan state fair may not directly or indirectly exhibit an article in this section.

**R 291.442 Qualifications for exhibits.**

Rule 142. (1) An exhibitor may make an entry in each class listed. The number of classes an exhibitor may enter may be limited as defined in the premium book.

(2) The community arts supervisor shall print specific provisions for making entries in the annual premium book.

**R 291.443 Works of art.**

Rule 143. An artist may enter an entry of a work of art in each class, but it shall be one not previously shown at the Michigan state air. The general manager may reject an entry that is objectionable to the fair community standards, unsuitable in size, or fragile.

**R 291.449 Judging of exhibits.**

Rule 149. (1) The community arts supervisor shall select competent judges and the judges decisions shall be final.

(2) In the absence of competition in a class, if an article exhibited is inferior in quality or unworthy, the judges shall award a prize or ribbon only if the entered article merits an award.

**R 291.450 Formal protests.**

Rule 150. A community arts exhibitor shall make a formal protest, in writing, to the community arts supervisor within 24 hours of the opening of the fair. The formal protest shall be accompanied by an affidavit setting forth the grounds for protesting. The community arts supervisor shall make his or her recommendation to the general manager for decision in accordance with the procedure established by the department.

**PART 7. NON FAIR LESSESS AND PERMITS**

**R 291.471 Lease or permit of fairgrounds; establishment of guidelines**

Rule 171 The director may lease or permit the use of the fairgrounds or buildings for purposes that are consistent with the staging of the state fair.

(1) The director or his or her designee may establish guidelines for review and approval of leasing requests.

**R 291.472 Rescinded.**

**R 291.473 Rescinded.**

**R 291.475 Rescinded.**

**R 291.476 Rescinded.**

**R 291.478 Rescinded.**

**R 291.479 Rescinded.**

**R 291.480 Rescinded.**

**PART 9. HEARINGS**

**R 291.491 Requests.**

Rule 191. An interested party in a contested matter or subject to a determination made by the general manager may request a hearing and shall submit, to the department director, a written comprehensive statement of the complaint within 15 days of becoming aware of the contested action or the general manager's determination.

**R 291.492 Notices and location.**

Rule 192. Notice of a hearing before the director or a designated hearing officer shall be given by registered mail. The notice shall state the date, hour, place, issues involved. The notice shall be mailed to all interested parties not less than 30 days before the hearing.

**R 291.493 Appearances and defaults.**

Rule 193. An appearance shall be made in person by a duly authorized representative or by counsel. If a person who has been served with a notice of hearing fails to appear at a noticed hearing, then the hearing officer may proceed with a hearing of the matter brought before him or her and on the evidence presented may make his or her decision.

**R 291.494 Adjournments and continuances.**

Rule 194. A hearing shall not be adjourned or continued, except upon order of the director or the hearing officer conducting the hearing. A motion or request for an adjournment or a continuance shall be in writing and state concisely the reasons for the adjournment or continuance. The motion or request shall not be considered unless it is filed with the department not less than 10 days before the date assigned for the hearing.

**R 291.495 Rescinded.**

**R 291.496 Answers; briefs; arguments.**

Rule 196. A person who has been served a notice of hearing may file a written answer before the date set for hearing, or may appear at the hearing and present an oral statement on the charges contained in the notice of hearing. If written briefs or arguments are presented, then a copy shall be served on the department and upon opposite parties not less than 10 days before the date set for the hearing.

**R 291.497 Conducting hearing.**

Rule 197. The hearing officer shall conduct the hearing in accordance with the contested case procedures established by the applicable provisions of 1969 PA 306, MCL 24.271 et seq.

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**ADMINISTRATIVE RULES**

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**ORR # 2001-051**

**DEPARTMENT OF AGRICULTURE**

**FAIRS, EXHIBITIONS AND RACING DIVISION**

**REGULATION NO. 808. PAYMENT OF BREEDERS' AWARDS**

Filed with the Secretary of State on April 16, 2002.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by section 20 of 1995 PA 279, MCL 431.320)

R 285.808.1 and R 285.808.2 of the Michigan Administrative Code are amended as follows:

**R 285.808.1 Definitions.**

Rule 1. As used in these rules:

- (a) "Breeder" means a person or persons domiciled in Michigan and owning a mare at the time of breeding.
- (b) "Director" means the director of the Michigan department of agriculture.
- (c) "Domicile" means the fixed, permanent, and principal home to which a person intends to return.
- (d) "Fair" means a county, district, community, or 4-H fair; and any other state fair in Michigan which has been approved by the director to conduct harness horse races during the fair.
- (e) "Fairs and racing division" means the fairs and racing division of the Michigan department of agriculture.
- (f) "Gross purse" means the total dollar amount raced for in each individual heat of racing.
- (g) "Lessee" means a person who is domiciled in Michigan and who leases a stallion which has been recorded with the U.S.T.A. register as the lessee of a horse. A copy of the lease shall be filed with the fairs and racing division.
- (h) "Licensed racetrack" means an association licensed by the Michigan racing commissioner to conduct harness horse races in Michigan.
- (i) "Michigan-bred horse" means a horse which is from a Michigan-owned standardbred mare at the time of breeding and which is sired by a Michigan-owned or leased standardbred stallion, duly registered with the fairs and racing division.
- (j) "Owner" means the person or persons domiciled in Michigan and recorded with the U.S.T.A. register.
- (k) "Person" means an individual, partnership, association, or corporation.
- (l) "U.S.T.A." means the United States trotting association.



**R 285.808.1a Determination of domicile.**

Rule 1a. Factors to be considered in determining domicile are as follows:

- (a) Voting registration or alien registration showing a Michigan address.
- (b) Federal income tax return showing a Michigan address.
- (c) State income tax return showing a Michigan address.

**R 285.808.2 Breeders' awards.**

Rule 2. (1) The director shall pay a breeders' award, in an amount not to exceed 10% of the gross purse, to the breeder of a Michigan-bred horse each time that horse wins at a fair or licensed racetrack in Michigan.

(2) Breeders' award are not assignable and are not inheritable, and the director is under no obligation to pay the awards other than as provided in these rules.

(3) Breeders' awards shall only be payable for wins after the date the mare is properly registered with the fairs and racing division.

**R 285.808.2a Registration.**

Rule 2a. (1) To receive payment of a breeders' award, a standardbred mare shall have been registered by each owner with the fairs and racing division before a win.

(2) Standardbred stallions shall be registered by each owner or lessee with the fairs and racing division by January 1 of the year in which that stallion will be standing at service in Michigan for eligibility to qualify for breeders' awards. A copy of the lease agreement shall accompany the registration for a leased stallion.

(3) A newly acquired stallion, which has not been in Michigan for breeding purposes before January 1 of a given year and which has not serviced a mare after December 31 of the preceding year, shall be registered with the department of agriculture before servicing a mare if the stallion's get is to be eligible for breeders' awards.

**R 285.808.3 Provision of copies of race programs to director by racing associations; provision of programs and race sheets to director by secretary of fair; burden of proof with respect to eligibility.**

Rule 3. (1) Licensed racing associations shall provide the director with copies of each day's race program at least once each week. The winner of each race shall be checked on the program and shall be certified as being the true winner.

(2) The secretary of the fair shall provide the director with copies of each day's race program, together with the harness horse race result sheet. (Form FF-18), for the fair's races. The winner of each race shall be checked on the program and shall be certified as being the true winner.

(3) If the eligibility of a breeder to receive a breeders' award is questioned, the burden of proving that the horse is a Michigan-bred horse or is in compliance with these rules rests with the breeder or breeders.

**R 285.808.4 Rescinded.**

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**ADMINISTRATIVE RULES**

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**ORR # 2001-053**

**DEPARTMENT OF AGRICULTURE**

**FAIRS, EXHIBITIONS AND RACING DIVISION**

**REGULATION NO. 814. FUTURITY AND SIRE STAKES RACES**

Filed with the Secretary of State on April 16, 2002

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by section 20 of 1995 PA 279, MCL 431.320)

R 285.814.1, R 285.814.2, R 285.814.3, R 285.814.4, R 285.814.5, and R 285.814.7 of the Michigan Administrative Code are amended and R 285.814.10 is added as follows:

**R 285.814.1 Definitions.**

Rule 1. As used in these rules:

- (a) "Commission" means the commission of agriculture.
- (b) "Department" means the department of agriculture.
- (c) "Director" means the director of the department.
- (d) "Domicile" means the fixed, permanent, and principal home to which a person intends to return.
- (e) "Fair" means a county, district, community, or 4-H fair and any other state fair in Michigan that has been approved by the director to conduct harness horse races during the fair.
- (f) "Fairs exhibitions and racing division" means the fairs, exhibition and racing division of the department.
- (g) All of the following are futurity races:
  - (i) "Charles coon memorial futurity race" means a futurity for 4-year-old standardbred harness horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year and which meet the conditions as published for the race.
  - (ii) "Fedele Fauri futurity race" means a futurity for 2- and 3-year-old standardbred harness which were nominated by July 15 of the foaling year or supplemental payment in the yearling year as provided for in the race conditions.
  - (iii) "Michigan Breeders Futurity" means a futurity for 2- and 3-year-old standardbred harness horses which were nominated by July 15 in the foaling year or supplemental payment in the yearling year and which meet the published conditions.
  - (iv) "Michigan futurity race" means a futurity for 2- and 3-year-old standardbred harness horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year and which meet the published conditions.
  - (v) "Michigan sire stakes" mean a futurity for 2 and 3-year standardbred horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year and which meet the published conditions.

- (vi) "Spartan futurity" means a futurity for 2 and 3-year old standardbred harness horses which were nominated by July 15 of the foaling year and which meet the published conditions.
- (vii) "Wolverine futurity" means a futurity for 2 and 3-year old standardbred horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year and which meet the published conditions.
- (h) "Lessee" means a person who is domiciled in Michigan and who leases a stallion that has been registered with the USTA.
- (i) "Owner" means a person or persons who are domiciled in Michigan and who are recorded in the USTA sires and dams register.
- (j) "Race" means a race event for a definite purse to which the entries close at a prescribed time preceding the race.
- (k) "USTA" means the United States trotting association.
- (l) "Michigan-sired standardbred horse" means a standardbred horse that satisfies any of the following provisions:
  - (i) Is conceived after January 1, 2001, and is sired by a standardbred stallion registered with the department which was leased or owned by a resident or residents of this state and which did not serve a mare at a location outside of this state from February 1 through July 31 of the calendar year in which the conception occurred. Transportation of semen from a standardbred stallion registered with the department to a location outside the state of Michigan does not affect the eligibility of Michigan-conceived foal for the purses provided in this rule.
  - (ii) A foal from a mare which is owned exclusively by a resident or residents of this state at the time of conception and which is conceived outside the state of Michigan by means of transported semen from a standardbred stallion that is registered with the department is eligible for purses provided for in this rule.
  - (iii) A foal from a mare which is owned exclusively or in part by a nonresident of Michigan at the time of conception and which is conceived outside the state of Michigan by means of semen transported from a standardbred stallion registered with the department is eligible for purses provided for in this rule, if, by November 1 of the year in which the foal is conceived, the transport fee is paid to the department's agent.
- (m) "Offending horse" means a horse that causes a disruption or an accident in a race.
- (n) "Racing program" means a series of not less than 8 standardbred horse races held at a county fair within a specified block of time.
- (o) "Registered stallion" means a stallion that was registered, on forms provided by the director, with the department, by January 1 each year in which the stallion will be standing at service in this state. A newly acquired stallion which has not been in Michigan for breeding purposes before January 1 of a given year and has not serviced any mares after December 31 of the preceding year is registered with the department before servicing any mares if its foals are to be eligible for Michigan tax-supported races.
- (p) "Transport fee" means a fee paid for a foal from a mare which is owned exclusively or in part by a nonresident of Michigan at the time of conception and which is conceived outside the state of Michigan by means of transported semen from a standardbred stallion that was registered with the department.

#### **R 285.814.2 Kinds of futurity races.**

Rule 2. (1) The Michigan futurity race, the Fedele Fauri futurity race, the Michigan sire stakes, the Spartan futurity, the wolverine futurity, and the Michigan breeders futurity shall be comprised of individual races as follows:

- (a) Two-year-old pacing colts and geldings.
- (b) Two-year-old pacing fillies.
- (c) Two-year-old trotting colts and geldings.

- (d) Two-year-old trotting fillies.
- (e) Three-year-old pacing colts and geldings.
- (f) Three-year-old pacing fillies.
- (g) Three-year-old trotting colts and geldings.
- (h) Three-year-old trotting fillies.
- (2) Monies provided by the director for the special purses for the races listed in subrule (1) of this rule shall be divided equally among the races.
- (3) The Charles Coon memorial futurity shall be comprised of individual races as follows:  
Four-year old trotting horses, geldings and mares.
- (b) Four-year old pacing horses, geldings and mares.

**R 285.814.3 Host race sites; designation.**

Rule 3. (1) The director shall designate annually which pari-mutuel track or tracks shall host the Michigan sire stake races. To assist the director in designating the track and to help determine the time and conditions of the races to be run, an advisory panel is established and shall consist of the following 6 persons:

- (a) The president, or his or her designee, of the Michigan harness horsemen's association.
- (b) The president, or his or her designee, of the Michigan standardbred horse breeders' association.
- (c) The Michigan racing commissioner, or his or her designee.
- (d) The association of northern fairs and racing president or his or her designee.
- (e) A representative of the pari-mutuel harness race meet licensees.
- (f) A member of the department who is designated by the director shall act as chairman of the panel.

(2) The director shall make announcements of the track or tracks receiving the races not later than November 1 preceding the year in which the races are to be conducted.

(3) The director shall designate the fairs to host the Michigan futurity races and Fedele Fauri futurity races. The Michigan futurity race shall be awarded to a fair located in the lower peninsula of Michigan. The Fedele Fauri futurity race shall be awarded to a fair located in the upper peninsula of Michigan if a fair from the upper peninsula applies for the race.

(4) The director shall not award at the same fair more than 1 futurity race.

(5) If, because of unfavorable weather or other unavoidable reason, a futurity race is postponed, it shall be rescheduled at the discretion of the director. The director may reschedule the race at another fair if the fair originally designated to host the futurity is unable to do so.

**R 285.814.4 Purse distributions.**

Rule 4. (1) Michigan futurity races shall be conducted in 1 heat unless elimination races are required.

(2) Each purse in Michigan futurity races that have 5 or more starters shall be divided as follows: 50%-25%-12%-8%-5%. If there are fewer than 5 starters, then all uncontested monies will be paid to the winner. If there is a premium or premiums for which a horse started but was unable to finish, due to an accident, all unoffending horses that did not finish will share equally in the premiums. However, if there are fewer unoffending horses failing to finish than there are premiums for which horses have started, but have not finished, then the number of premiums in excess of the number of unoffending horses not finishing shall go to the winner.

**R 285.814.5 Elimination heats.**

Rule 5. Elimination heats shall be raced pursuant to USTA rules, unless published in the conditions of the race and approved by the director.

**R 285.814.7 Final reports; additional information; records of payment; retention.**

Rule 7. (1) Within 15 days after completion of Michigan futurity races or September 30, whichever is sooner, a fair association shall submit to the director originals of the judges' sheets signed by the presiding judge, a sworn statement on forms provided by the director, and a copy of the printed race program indicating the order of finish of the horses.

(2) The fair association shall supply the director with any additional information required in auditing the report.

(3) Fair association records pertaining to the payment of purses shall be kept for the state auditors for not less than 4 years.

**R 285.814.10 Fees and nominations.**

Rule 10. (1) The Michigan harness horsemen's association is designated and shall serve as the department's agent for purposes of administering approved procedures governing nominations and sustaining functions for all stakes and futurities and may be designated the collecting and holding agent for all fees by the sponsors of the stakes and futurities. While acting as the department's agent under this rule, the Michigan harness horsemen's association shall not require that persons be members of the Michigan harness horsemen's association as a condition of nominating and participating in stake and futurity races designated by the director to be eligible to receive state purse supplements. The Michigan harness horsemen's association may charge a reasonable service fee to nonmembers to perform this function. If the Michigan harness horsemen's association is unable or unwilling to serve as the department's agent under this rule, then the director may designate and appoint another agent of his or her choice. Final decisions on application of procedures will be made by the director.

(2) This advisory board consisting of representatives from northern fairs and racing association, Michigan harness horseman association, Michigan standardbred breeders association, the office of the racing commissioner and chaired by the director or his or her designee shall recommend fees and nominations and transport fees. The board's recommendation shall be submitted to the commission for review and approval.

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**ADMINISTRATIVE RULES**

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**ORR # 2001-054**

**DEPARTMENT OF AGRICULTURE**

**FAIRS, EXHIBITIONS AND RACING DIVISION**

**REGULATION NO. 820. MICHIGAN-BRED PARI-MUTUEL RACES**

Filed with the Secretary of State on April 16, 2002.

These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by section 20 of 1995 PA 279, MCL 431.320)

R.285.820.1, R 285.820.5, and R 285.820.6 of the Michigan Administrative Code are amended as follows:

**R 285.820.1 Definitions.**

Rule 1. As used in these rules:

- (a) "Commissioner" means the Michigan state racing commissioner.
- (b) "Department" means the Michigan department of agriculture.
- (c) "Director" means the director of the department.
- (d) "Licensed racing association" means an association licensed by the commissioner to conduct standardbred horse races in Michigan.
- (e) "M.H.H.A." means the Michigan harness horsemen's association.
- (f) "Michigan-bred horse" means a horse that is from a registered standardbred mare which is owned exclusively by a resident or residents of Michigan at the time of conception.
- (g) "Michigan-sired standardbred horse" means a standardbred horse that satisfies any of the following provisions:
  - (i) Was conceived after January 1, 2001, and was sired by a standardbred stallion which was registered with the department, which was leased or owned by a resident or residents of this state, and which did not serve a mare at a location outside of this state from February 1 through July 31 of the calendar year in which the conception occurred. Transportation of semen from a standardbred stallion registered with the department to a location outside the state of Michigan does not affect the eligibility of a Michigan conceived foal for the purses provided in this rule.
  - (ii) A foal from a mare which was owned exclusively by a resident or residents of this state at the time of conception and which was conceived outside the state of Michigan by means of transported semen from a standardbred stallion that was registered with the department is eligible for purses provided for in this rule.
  - (iii) A foal from a mare which was owned exclusively or in part by a nonresident of Michigan at the time of conception and which was conceived outside the state of Michigan by means of semen transported from a standardbred stallion that was registered with the department is eligible for purses provided for in this rule, if, by November 1 of the year in which the foal is conceived, the transport fee is paid to the department's agent.

- (h) “Offending horse” means a horse that causes a disruption or an accident in a race.
- (i) “Registered stallion” means a stallion that was registered, on forms provided by the director, with the department, by January 1 each year in which the stallion will be standing at service in this state. A newly acquired stallion, which has not been in Michigan for breeding purposes before January 1 of a given year and which has not serviced any mares after December 31 of the preceding year shall be registered with the department before servicing any mares if its foals are to be eligible for Michigan tax-supported races.

**R 285.820.2 Michigan-bred foals eligible for nomination to Michigan-bred races; racing divisions.**

Rule 2. (1) The first Michigan-bred foals eligible to be nominated for these Michigan-bred pari-mutuel races shall be Michigan-bred foals born in the official 1975 United States trotting association foaling year.

(2) In 1979 and thereafter, they shall be raced as Michigan-bred 4-year-olds as follows:

- (a) Michigan-bred 4-year-old horse, gelding trot.
- (b) Michigan-bred 4-year-old mare trot.
- (c) Michigan-bred 4-year-old horse, gelding pace.
- (d) Michigan-bred 4-year-old mare pace.

**R 285.820.5 Elimination plans for Michigan-bred pari-mutuel races.**

Rule 5. Elimination heats shall be raced pursuant to the United States trotting association rules unless published in the conditions of the race and approved by the director.

**R 285.820.6 Purse distribution.**

Rule 6. (1) Each purse in the Michigan-bred pari-mutuel races that have 5 or more starters shall be divided as follows: 50%-25%-12%-8%-5%. If there are fewer than 5 starters, then all uncontested monies will be paid to the winner. If there is a premium or premiums for which a horse has started, but was unable to finish, due to an accident, all unoffending horses that did not finish will share equally in the premiums. However, if there are fewer unoffending horses failing to finish than there are premiums for which horses have started but have not finished, then the number of premiums in excess of the number of unoffending horses not finishing shall go to the winner.

(2) The purses for these elimination heats shall be derived from the purse pool of the host track.

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**EMERGENCY RULES**

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*MCL 24.248 states:*

*“Sec. 48. (1) If an agency finds that preservation of the public health, safety, or welfare requires promulgation of an emergency rule without following the notice and participation procedures required by sections 41 and 42 and states in the rule the agency's reasons for that finding, and the governor concurs in the finding of emergency, the agency may dispense with all or part of the procedures and file in the office of the secretary of state the copies prescribed by section 46 indorsed as an emergency rule, to 3 of which copies shall be attached the certificates prescribed by section 45 and the governor's certificate concurring in the finding of emergency. The emergency rule is effective on filing and remains in effect until a date fixed in the rule or 6 months after the date of its filing, whichever is earlier. The rule may be extended once for not more than 6 months by the filing of a governor's certificate of the need for the extension with the office of the secretary of state before expiration of the emergency rule. An emergency rule shall not be numbered and shall not be compiled in the Michigan Administrative Code, but shall be noted in the annual supplement to the code. The emergency rule shall be published in the Michigan register pursuant to section 8.*

*(2) If the agency desires to promulgate an identical or similar rule with an effectiveness beyond the final effective date of an emergency rule, the agency shall comply with the procedures prescribed by this act for the processing of a rule which is not an emergency rule. The rule shall be published in the Michigan register and in the code.”*



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**EMERGENCY RULES**

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**CERTIFICATE OF NEED TO EXTEND EMERGENCY RULES**

**DEPARTMENT OF CORRECTIONS**

On November 6, 2001 at 3:55 p.m. Eastern Standard Time, after adoption by the Department of Corrections, emergency rules were filed with the Secretary of State suspending of the practice of opening legal mail in a prisoner's presence and amending R 791.6603. The emergency rules were published in Michigan Register 2001 MR 20.

Pursuant to Section 48(1) of the Administrative Procedures Act, MCL 24.248(1), I hereby certify that there is a need to extend the effective date of the emergency rules for not more than six months from and after their expiration date of May 6, 2002.

Dated at Lansing, Michigan this  
\_\_\_ day of April 2002.

\_\_\_\_\_  
John Engler, Governor

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**PROPOSED ADMINISTRATIVE RULES,  
NOTICES OF PUBLIC HEARINGS**

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*MCL 24.242(3) states in part:*

*“... the agency shall submit a copy of the notice of public hearing to the office of regulatory reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the office of regulatory reform.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

*\* \* \**

*(d) Proposed administrative rules.*

*(e) Notices of public hearings on proposed administrative rules.”*

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2000-089**

**DEPARTMENT OF AGRICULTURE**

**PESTICIDE AND PLANT PEST MANAGEMENT DIVISION**

**REGULATION NO. 628. SEED POTATO CERTIFICATION**

Filed with the Secretary of State on  
These rules take effect 15 days after filing with the Secretary of State

(By authority conferred on the director of the department of agriculture by section 2 of 1959 PA 221, MCL 286.72)

R 285.628.1, R 285.628.2, R 285.628.4, R 285.628.5, R 285.628.5a, R 285.628.8, R 285.628.9, and R 285.628.11 of the Michigan Administrative Code, are amended and R 285.628.4a and R 285.628.6 of the Code are rescinded as follows:

**R 285.628.1 Definitions.**

Rule 1. As used in these rules:

(a) "Certifiable seed potatoes" means seed potatoes which meet or exceed the standards established in these rules, which are produced and stored as required by these rules, and which originate from a state-approved laboratory or greenhouse program that involves in vitro techniques of propagation and the subsequent production of plants or tubers under a controlled environment. Seed stock produced under these controlled conditions shall be designated nuclear. Seed originating from this program will be produced in a limited generation system of foundation-field years 1 through 5, and certified field years 1 through 6. foundation-field year 1, is the first field progeny of nuclear seed produced in a laboratory or greenhouse program. Initial explants shall be screened for the presence of pathogens by using accepted techniques.

(b) "Certification" means the act of verifying compliance with the standards or requirements specified in the regulations governing the production of seed potatoes. Except as otherwise specified, the measurement method or basis for determining compliance with the standards is visual inspection of the growing grounds and crops thereon or harvested therefrom as described in the regulation. "Certification" does not constitute a guarantee or warranty or representation that the seed potatoes to which the indicia of certification (certification tags, seals, bulk certificates) are attached, or which are otherwise represented as certified, are merchantable or fit for a particular purpose.

(c) "Certified seed" means a class of seed which meets the disease and varietal tolerances established by these rules for field year 1 through field year 6 and which is the progeny of foundation seed or the progeny of seed produced in another state or country that is certified as foundation seed or a higher class by an official seed-certifying agency in the other state or country using standards comparable to the standards established in these rules. Certified seed from other states or countries that is to be entered for certification in Michigan must meet or exceed Michigan's certified seed standards.

(d) "Commercial potato production" means production of potatoes for other than certified seed purposes.

- (e) "Field year" means a seed potato classification designating the number of years a particular lot has been grown in the field after greenhouse propagation.
- (f) "Foundation seed" means the progeny of nuclear seed or a comparable seed class approved by the certifying agency. Foundation seed shall meet the disease and varietal tolerances established in these rules for field year 1 through field year 5.
- (g) "Nuclear seed stock" means propagation material, including mini-tubers and plantlets, which originated in a state-approved laboratory or greenhouse program that involves in vitro techniques and which is grown under controlled conditions.
- (h) "Operation" means a seed potato enterprise where the lowest class of seed planted is certified, field year 6. It includes all land, equipment, storages, and facilities used to produce certified seed.
- (i) "Seed lot" means all the seed potatoes of the same variety which are of a single class, which are of a specific seed source, and which are harvested from a field or stored together in a specific storage facility.
- (j) "Seed potato" means the tuber that is used for the reproduction of the potato.
- (k) "Seed potatoes eligible for certification" means any of the following:
  - (i) Any potato variety that has been released, named, and had its description published by the potato association of America, United States department of agriculture, or a recognized state agricultural experiment station.
  - (ii) Cultivars that do not have published descriptions, such as advanced lines from breeding programs and protected varieties, if the seed source is approved by the official seed-certifying agency and a plant and tuber description is provided to the official seed-certifying agency.
  - (iii) Lines, selections, and transgenic seed stocks which are derived from previously named and described varieties, which enter an approved tissue culture program, and which carry a trait or traits that are not visibly certifiable if the lineage is clearly substantiated by signed affidavit.
- (l) "Separate operation" means a distinct production unit which has a unique and dedicated storage facility and which has equipment that is assigned only to that operation. Separate operations shall be designated at the time of application for certification.
- (m) "Tolerance" means a permissible allowance for a disease, varietal mixture, or grade defect as specified in the regulations governing the certification of seed potatoes.

#### **R 285.628.2 Designation of official seed-certifying agency.**

Rule 2. The Michigan seed potato association is designated as the official seed-certifying agency of the department of agriculture for the purpose of assisting and advising the department in carrying out the provisions of 1959 PA 221, MCL 286.71 et seq. and these rules.

#### **R 285.628.4 Conditions for certification.**

Rule 4. (1) A seed lot that is eligible for certification shall not be certified if any of the following conditions exist:

- (a) Less than all of the acreage of potatoes grown by the applicant is planted to foundation or certified seed that meets Michigan standards and entered for inspection.
- (b) The seed lot is planted less than 5 feet from other potatoes that are part of the certification program or less than 50 feet from other potatoes that are not part of a certification program.
- (c) The seed lot is grown in a field in which weeds, insect injury, spray damage, disease, or any other factor that prevents the adequate inspection or production of certifiable seed potatoes is present.
- (d) The seed lot is planted on land used for commercial potato production or that has been exposed to infection from bacterial ring rot during the preceding 2 growing seasons.
- (e) The seed lot has been exposed to bacterial ring rot infection before, during, or after harvest.

(f) The seed lot is stored, graded, or handled in storage facilities that contain potatoes that were not field-inspected or potatoes that were rejected for the presence of bacterial ring rot.

(g) Severe foliar diseases including late blight, early blight, and wilt diseases such as verticillium, blackleg, and fusarium; frost injury, or any other condition that renders the seed lot undesirable for use as seed is present.

Bacterial ring rot is present in a seed lot in the operation. All seed stocks of that lot are to be removed from the operation. All equipment and facilities that may have come in contact with this seed shall be cleaned and disinfected. The first lot of seed cut or planted, or cut and planted, after the infected lot is not certifiable and is not eligible for sale as certified seed for 1 growing season. These lots may be retained in the operation in the certified inspection system and may be reentered as seed that is eligible for certification the following year if bacterial ring rot is not noted. The classification level for these lots shall be retained under the normal generation system as if they were eligible for certification. All other seed lots in the operation may be certified, but shall not be sold for future seed propagation for 1 growing season. All shipping and inspection documents for these lots that are sold during the first year after disease identification shall indicate that the seed is not to be used for seed propagation. If bacterial ring rot is detected in an operation in more than 1 seed lot in the same year or in 1 seed lot 2 of 3 consecutive years, then all seed stocks shall be removed from the operation and all equipment and facilities shall be cleaned and disinfected before further certification will be issued. If bacterial ring rot is detected in an operation in more than 1 seed lot in the same year or in 1 seed lot 2 of 3 consecutive years or noncertified production occurred in the previous year of operation, then seed potatoes will not be approved for sale or transfer from the operation to other seed propagation operations for 2 growing seasons. Cutting and planting equipment is to be thoroughly cleaned and disinfected between lots and the disinfection shall be documented for future reference by the official seed-certifying agency. This documentation shall be part of the application for certification. Materials that are used to disinfect cutting and planting equipment shall be of a type labeled for bacterial disease control.

Seed lots which are eligible for sale or transfer and which have not been winter-tested or laboratory-tested or for which a sample or samples have not been submitted for winter testing by an organization approved by the official seed-certifying agency or the Michigan department of agriculture.

(j) Bacterial ring rot-infected potatoes and other plant parts that might provide a source of contamination or cull potatoes from another location or farm are stored or disposed of at, or are introduced into, the operation.

(2) If a potato disease of significant impact to the seed industry is identified for which certification standards have not been established in these rules, then the director shall appoint an advisory committee to provide recommendations for appropriate certification standards and actions. The committee shall consist of 1 certified or foundation seed potato producer and 1 representative each from all of the following:

The department of plant pathology and the department of crop and soil sciences at Michigan state university.

The official seed-certifying agency.

The Michigan department of agriculture.

(3) The signed affidavit required for the genetic material defined in R 285.628.1(j)(iii) shall be provided by the applicant to the official seed-certifying agency upon request, in order to propagate and certify this material in Michigan. The certified seed tag for this material shall specify that it has met all certification standards, except for nonvisual characteristics. The plant and tuber descriptions and any required affidavits shall be in a format approved by the official seed-certifying agency.

(4) Except as otherwise specified, the measurement method or basis for determining compliance with the stated tolerances is visual inspection of a sample of the plants or tubers in the field or lot, respectively. Further, except as specified, sample sizes are to be determined by the certification agency. Diseases, varietal mixtures, or grade defects may be present at a level in excess of specified tolerances; however, disease symptoms, varietal mixtures, and grade defects shall not be visually detectable at the time of official inspection due to numerous

factors, including environmental conditions and varietal differences. Furthermore, even the inspection of larger samples might not reveal deviations in excess of specified tolerances. Finally, with respect to the zero tolerances for such defects as varietal mixture, bacterial ring rot, root knot nematode and spindle tuber, the tolerances are chosen for reasons of convenience and practicality and are not construed to mean that the lot inspected is free of the defects. Negative inspection results mean that varietal mixture, bacterial ring rot, root knot nematode or spindle tuber were not found during the inspection process.

(5) Only seed lots produced from foundation class material or better is eligible for sale or transfer for recertification.

#### **R 285.628.4a Rescinded.**

#### **R 285.628.5 Official seed-certifying agency; duties.**

Rule 5. The official seed-certifying agency shall do all of the following:

(a) Make 2 or more inspections of all fields of seed potatoes eligible for certification and all nuclear seed stock eligible for certification. An application for such certification shall be filed according to the requirements of R 285.628.3. Inspections shall be made at times when plant growth and other conditions are optimum for varietal identification and disease expression. All potato production shall have at least 1 field inspection for ring rot.

(b) Make at least 1 tuber inspection of all seed lots entered for field inspection certification.

(c) At least annually and before the establishment of each greenhouse crop, inspect storage, laboratory, greenhouse, and screenhouse facilities for proper isolation and sanitation. If both greenhouse or laboratory production and the field production are inspected by the official seed-certifying agency, then they will be considered separate production units. If only the greenhouse or laboratory production or only the field production is inspected, then it will be considered 1 unit.

(d) Collect, or cause to be collected, representative tuber or plant samples of certifiable seed potatoes for winter testing or other tests as may be required for certification.

(e) Issue certification tags, or bulk certificates for each container or bulk shipment of certifiable potatoes or, upon request by an applicant who has sold seed potatoes which must be shipped before the winter test results are known and which are otherwise certifiable, issue tags or bulk certificates for each container or bulk shipment that contains the statement that the potatoes met summer field and laboratory certification requirements but were shipped before the official winter test results were available.

(f) Apply inspection tolerances to field inspections and winter tests on the basis of visual observations, except when deemed appropriate by the certifying agency to confirm visual observations or suspected latent infections by analytical methods.

#### **R 285.628.5a Nuclear, foundation-field year 1 through 5 and certified field year 1 through 6 seed lots; certification requirements.**

Rule 5a. Seed lots of nuclear, foundation-field year 1 through 5 and certified seed shall not be certified as such if any of the following provisions apply:

(a) Less than all of the potato acreage on the farm producing such lots was planted with seed that had been certified.

(b) The following visual field inspection or laboratory testing tolerances for diseases and varietal mix are exceeded during any field inspections or laboratory observations:

**FOUNDATION CLASS****CERTIFIED CLASS**

	<b>NUCLEAR/F Y-1</b>	<b>FY-2 THROUGH FY-5</b>		<b>FY-1 THROUGH FY-6</b>
Leaf roll	0.00%	0.25%	Leaf roll	0.50%
Mosaics	0.00%	0.25%	Mosaics	1.00%
Spindle tuber	0.00%	0.00%	Spindle tuber	0.00%
Aggregate	0.00%	0.25%	Aggregate	1.00%
B.R.R.	0.00%	0.00%	B.R.R.	0.00%
Varietal mix	0.00%	0.10%	Varietal mix	0.25%

\* Any varietal mixture in nuclear or foundation-field year 1 stock shall be rogued to achieve 0 (zero) tolerance.

(c) Roguing is not completed before the second inspection.

(d) The tuber samples that are winter-tested exceed the disease inspection tolerances for virus leaf roll, rugose mosaic, potato virus Y, and spindle tuber, which shall be an aggregate of 0.5 for foundation-field year 1 through foundation-field year 5, and 5.0% for certified field year 1 through certified field year 6.

**R 285.628.6 Rescinded.****R 285.628.8 Storage facilities and equipment; packaging facilities; sanitation; isolation of certifiable seed potatoes.**

Rule 8. (1) All equipment and storage facilities shall be thoroughly cleaned and disinfected before use. (2) Storage facilities, including those located at packaging sites in foundation-field year 1 through 5 and certified-field year 1 through field year 6 seed are stored, shall contain only lots of potatoes that have passed field inspection or have been rejected for reasons other than exposure to, or infection by, bacterial ring rot, if the lots are isolated from the certifiable seed potatoes. Storage facilities which are maintained by the propagator and in which nuclear seed is stored shall contain only lots of nuclear seed stock that have passed laboratory or greenhouse inspections. Each foundation and certified seed lot shall be separated by a physical barrier that will prevent the mixing of seed.

(3) Agricultural equipment that is used for noncertified potato production and processing equipment shall not be allowed to enter certified seed potato storages, processing areas, and production fields unless the equipment is power washed and disinfected. Nonagricultural equipment shall not be allowed to enter certified seed production fields unless the equipment is power washed and disinfected. The power washing and disinfection of equipment shall be documented for future reference by the official seed-certifying agency. Materials that are used to disinfect storage and production equipment and nonagricultural equipment shall be of a type labeled for bacterial disease control.

(4) Trucks and other means of conveyance which are not owned or operated by the seed farm operator and which are used to transport certified seed potatoes from the seed farm operation shall not be cleaned on the seed farm premises.

(5) Packaging facilities and equipment used for certified seed potatoes shall be power washed and disinfected and shall be inspected and approved by the certifying agency before the facilities are used or the equipment is operated. Materials that are used to disinfect packaging facilities and equipment shall be of a type labeled for bacterial disease control.

(6) Storage and packaging facilities that are operated by someone other than the seed potato propagator shall maintain grade inspection and bulk shipment certificates, certification documents, and other records as deemed necessary by the certifying agency for each lot of seed that is stored or packaged at that facility. These documents shall be maintained for a period of not less than 4 years after the seed lot has been removed from the facility and shall be accessible to the director or the certifying agency during normal business hours.

#### **R 285.628.9 Shipping inspection.**

Rule 9. Each load of seed shall be inspected for grade at the time of shipping to complete the certification process. The inspection may be made by the federal-state inspection service or by the certifying agency. A shipping time inspection for grade shall be made each time a load of seed potatoes is transferred or shipped. A certificate of inspection shall accompany each shipment.

#### **R 285.628.11 Grades and sizes; adoption of standards by reference.**

Rule 11. (1) Grades and sizes of foundation and certified classes of seed shall conform to the current United States standards for grades of seed potatoes effective March 6, 1987. These standards are adopted in these rules by reference and are available from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, at no cost, or from the Michigan Department of Agriculture, P.O. Box 30017, Lansing, Michigan 48909, at no cost.

(2) Blue tag grade seed potatoes shall be in compliance with the requirements of the United States no. 1 seed potato grade. The size shall be not less than 1 1/2 inches and not more than 3 1/4 inches in diameter or more than 12 ounces in weight, unless otherwise specified. If stones are present, they shall be duly noted on the grade inspection report.

(3) Yellow tag grade seed potatoes shall be in compliance with the blue tag United States no. 1 seed potato grade standards, except that, to allow for variations incident to proper grading and handling, both of the following tolerances are permitted:

(a) The allowance for sprouts may be exceeded after March 15.

(b) Twenty percent or less of the potatoes in any seed lot shall fail to meet the remaining requirements of this grade if neither of the following tolerances is exceeded:

(i) Twelve percent for external or internal defects based on the following allowances:

(A) Six percent for damage, including not more than 2 3% for serious damage due to dry or moist-type fusarium tuber rot.

(B) Six percent for serious damage due to other defects.

(C) Total serious damage shall not be more than 6%.

(ii) One percent for frozen, soft rot, or wet breakdown.

(4) All sellers and purchasers of a given lot of red tag grade seed potatoes shall jointly agree as to size and defects, except that neither of the following tolerances shall be exceeded:

(a) Six percent for damage due to dry or moist-type fusarium tuber rot, including not more than 4% for serious damage due to dry or moist-type fusarium tuber rot.



(b) One percent for frozen, soft rot, or wet breakdown.

(5) A purple tag shall be used for nuclear seed stock. All sellers and purchasers of a given lot of nuclear seed stock shall jointly agree as to size and condition.

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2002-014**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**BUREAU OF SAFETY AND REGULATION**

**CONSTRUCTION SAFETY STANDARDS**

Filed with the Secretary of State on  
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by sections 19 and 21 of 1974 PA 154 and Executive Reorganization Order No. 1996-2, MCL 408.1019, 408.1021, and 445.2001)

R 408.40114, 408.40128, 408.40132, and 408.40133 of the Michigan Administrative Code are amended, and R 408.40134 is added to the Code, as follows:

**PART 1. GENERAL RULES**

**R 408.40114 Employer responsibilities; accident prevention program.**

Rule 114. (1) An employer shall develop, maintain, and coordinate with employees an accident prevention program, a copy of which shall be available at the worksite.

(2) An accident prevention program shall, at a minimum, provide for all of the following:

- (a) Designation of the qualified employee or person who is responsible for administering the program.
- (b) Instruction to each employee regarding the operating procedures, hazards, and safeguards of tools and equipment when necessary to perform the job.
- (c) Inspections of the construction site, tools, materials, and equipment to assure that unsafe conditions which could create a hazard are eliminated.
- (d) Instruction to each employee in the recognition and avoidance of hazards AND THE REGULATIONS APPLICABLE TO HIS OR HER WORK ENVIRONMENT TO CONTROL OR ELIMINATE ANY HAZARDS OR OTHER EXPOSURE TO ILLNESS OR INJURY.
- (e) Instruction to each employee who is required to handle or use known poisons, toxic materials, caustics, and other harmful substances regarding all of the following:
  - (i) The potential hazards.
  - (ii) Safe handling.
  - (iii) Use.
  - (iv) Personal hygiene.
  - (v) Protective measures.
  - (vi) Applicable first aid procedures to be used in the event of injury.

- (f) Instruction to each employee if known harmful plants, reptiles, animals, or insects are present regarding all of the following:
  - (i) The potential hazards.
  - (ii) How to avoid injury.
  - (iii) Applicable first aid procedures to be used in the event of injury.
- (g) Instruction to each employee who is required to enter a confined space regarding all of the following:
  - (i) The hazards involved.
  - (ii) The necessary precautions to be taken.
  - (iii) The use of required personal protective equipment.
  - (iv) Emergency equipment.
  - (v) The procedures to be followed if an emergency occurs.
- (h) Instruction in the steps or procedures to be followed in case of an injury or accident or other emergency.
- (3) THIS RULE REPLACES OH RULE 6601.

**R 408.40128 Sanitation.**

Rule 128. (1) All of the following provisions apply to potable water:

- (a) A supply of potable water shall be available to employees in all places of employment.
  - (b) A container used to distribute drinking water shall be constructed of impervious nontoxic materials, shall be clearly marked as to its contents, and shall not be used for any other purpose. Containers shall be serviced so that sanitary conditions are maintained.
  - (c) A portable container used to dispense drinking water shall be closed and equipped with a tap.
  - (d) Dipping water from a container or drinking from a common cup is prohibited.
  - (e) Where single-service cups (cups to be used once) are supplied, a sanitary container for the unused cups shall be provided. A receptacle for disposing of used cups shall be provided and emptied as often as is necessary.
- (2) Both of the following provisions apply to nonpotable water:
- (a) An outlet for nonpotable water, such as water for industrial or fire fighting purposes only, shall be identified by signs that are in compliance with the requirements of construction safety standard, part 22. Signals, Signs, Tags, and Barricades, being R 408.42201 et seq. of the Michigan Administrative Code, to indicate clearly that the water is not to be used for drinking, washing, or cooking purposes.
  - (b) There shall be no connection between a system furnishing potable water and a system furnishing nonpotable water.
- (3) THIS RULE REPLACES OH RULE 6615.

**R 408.40132 Medical services and first aid.**

Rule 132. (1) An employer shall ensure the availability of medical personnel for advice and consultation on matters of occupational health.

- (2) Before beginning a project, provision shall be made for prompt medical attention in case of serious injury.
- (3) A person who has a valid certificate in first aid training shall be present at the worksite to render first aid. A certificate is valid if the requirements necessary to obtain the certificate for first aid training meet or exceed the requirements of the United States bureau of mines, the American red cross, the guidelines for basic first aid training programs, or equivalent training.
- (4) Where a remote location or a single employee worksite exists, an employer shall provide a written plan that includes alternate methods of assuring available treatment for employees at a remote location or single-employee worksite. The plan shall be communicated to all affected employees.

- (5) An employer shall assure that there are first aid supplies at each jobsite and that the supplies are readily accessible.
- (6) The contents of a first aid kit shall be approved by a consulting physician. First aid kit supplies shall be sealed in individual packages, stored in a weatherproof container, and checked by an employer or designated person before being sent out on each job and at least weekly on each job to ensure that expended items are replaced.
- (7) An employer shall provide proper equipment for the prompt transportation of an injured person to a physician or hospital and a communication system for contacting the necessary emergency service. The telephone numbers of a physician, hospital, or emergency service shall be conspicuously posted at the jobsite.
- (8) THIS RULE REPLACES OH RULE 6610.

**R 408.40133 Illumination.**

- Rule 133. (1) A minimum illumination intensity of 10 footcandles shall be provided on a jobsite where construction work is being performed.
- (2) A minimum illumination intensity of 5 footcandles shall be provided to areas on a jobsite where work is not being immediately performed but where workers may pass through.
- (3) A minimum illumination intensity of 50 footcandles shall be provided for first aid stations and infirmaries.
- (4) FOR AREAS OR OPERATIONS NOT COVERED BY SUBRULES (1) TO (3) OF THIS RULE, REFER TO THE AMERICAN NATIONAL STANDARD A11.1-1965, R 1970, PRACTICE FOR INDUSTRIAL LIGHTING, FOR RECOMMENDED VALUES OF ILLUMINATION. ANSI Z11.1-1965, R 1970, IS ADOPTED BY REFERENCE IN THIS RULE. PRINTED COPIES OF ANSI Z11.1-1965, R 1970, ARE AVAILABLE FROM GLOBAL ENGINEERING DOCUMENTS, 15 INVERNESS WAY EAST, ENGLEWOOD, COLORADO 80112, TELEPHONE NUMBER 1-800-854-7179, WEBSITE: [www.global.ihs.com](http://www.global.ihs.com), AT A COST AS OF THE TIME OF ADOPTION OF THESE AMENDATORY RULES OF \$54.00 OR IS AVAILABLE FOR INSPECTION AT THE MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, STANDARDS DIVISION, 7150 HARRIS DRIVE, P.O. BOX 30643, LANSING, MICHIGAN 48909.
- (5) THIS RULE REPLACES OH RULE 6605.

**R 408.40134 TEMPORARY SLEEPING QUARTERS.**

- RULE 134. (1) WHEN TEMPORARY SLEEPING QUARTERS ARE PROVIDED, THEY SHALL BE HEATED, VENTILATED, AND LIGHTED.
- (2) THIS RULE REPLACES OH RULE 6615.

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**PROPOSED ADMINISTRATIVE RULES**

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**ORR # 2002-016**

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**BUREAU OF SAFETY AND REGULATION**

**OCCUPATIONAL HEALTH STANDARDS**

Filed with the Secretary of State on  
These rules take effect 7 days after filing with the Secretary of State

(By authority conferred on the director of the department of consumer and industry services by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Orders Nos. 1996-1 and 1996-2, MCL 330.3101 and 445.2001)

R 325.60701, R 325.60702, R 325.60703, and R 325.60704 are added to the Michigan Administrative Code as follows:

**PART 382. NONIONIZING RADIATION**

**R 325.60701 Electromagnetic radiation; scope of rule.**

Rule 1. (1) This rule applies to all radiations originating from radio stations, radar equipment, and other possible sources of electromagnetic radiation such as used for communication, radio navigation, and industrial and scientific purposes. This rule does not apply to the deliberate exposure of patients by, or under the direction of, practitioners of the healing arts.

(2) This rule replaces O.H. rule 2420.

**R 325.60702 Definitions.**

Rule 2. As used in these rules:

- (a) “Electromagnetic radiation” means that portion of the spectrum commonly defined as the radio frequency region, which for the purpose of these rules shall include the microwave frequency region.
- (b) “Partial body irradiation” means when part of the body is exposed to the incident electromagnetic energy.
- (c) “Radiation protection guide” means the radiation level that should not be exceeded without careful consideration of the reasons for doing so.
- (d) “Symbol” means the overall design, shape, and coloring of the radio frequency (rf) radiation sign shown in Figure G-11.
- (e) “Whole body irradiation” means the entire body is exposed to the incident electromagnetic energy or an exposure where the cross section of the body is smaller than the cross section of the incident radiation beam.

**R 325.60703 Radiation protection guide.**

Rule 3. (1) For normal environmental conditions and for incident electromagnetic energy of frequencies from 10 MHz to 100 GHz, the radiation protection guide is  $10 \text{ mW/cm}^2$  (milliwatt per square centimeter) as averaged over any possible 0.1 hour period. This means the following:

Power density:  $10 \text{ mW/cm}^2$  for periods of 0.1 hour or more.

Energy density:  $1 \text{ mW-hr/cm}^2$  (milliwatt hour per square centimeter) during any 0.1 hour period.

This guide applies whether the radiation is continuous or intermittent.

(2) These formulated recommendations pertain to both whole body irradiation and partial body irradiation. Partial body irradiation must be included since it has been shown that some parts of the human body, such as eyes and testicles, may be harmed if exposed to incident radiation levels significantly in excess of the recommended levels.

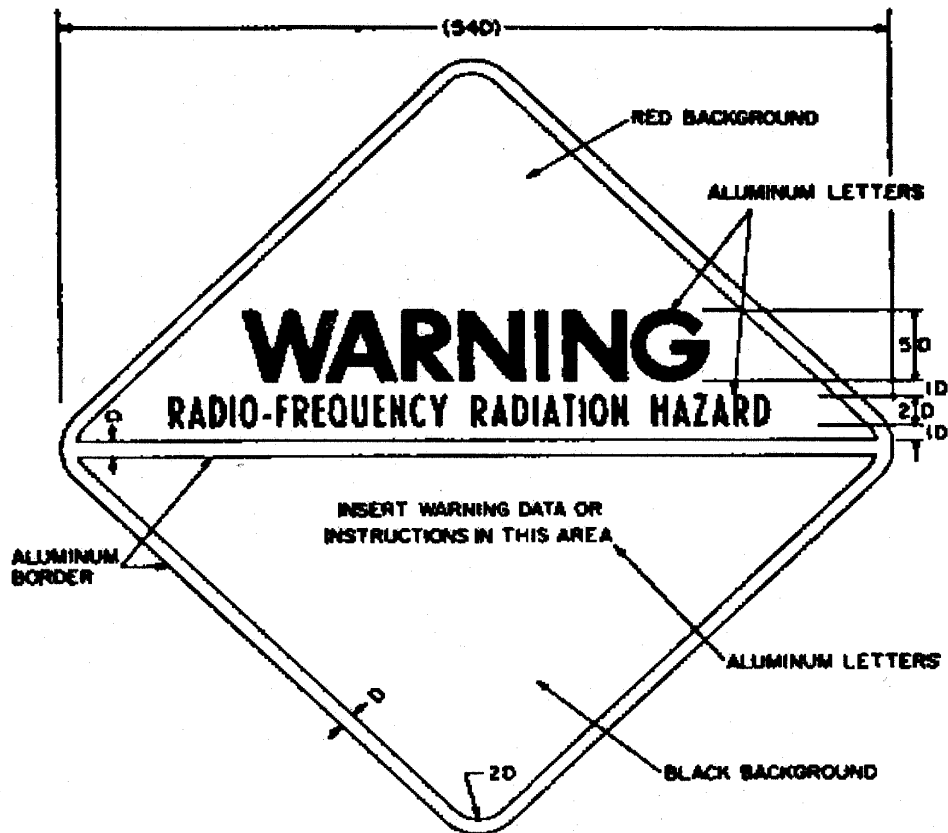
#### **R 325.60704 Warning symbol.**

Rule 4. (1) An employer shall ensure that the warning symbol for radio frequency radiation hazards consists of a red isosceles triangle above an inverted black isosceles triangle, separated and outlined by an aluminum color border. The words "Warning--Radio-Frequency Radiation Hazard" shall appear in the upper triangle. See Figure G-11.

(2) American national standard safety color code for marking physical hazards and the identification of certain equipment, Z53.1-1953, shall be used for color specification. All lettering and the border shall be of aluminum color. ANSI Z53.1-1953 is adopted by reference in this rule. Printed copies of ANSI Z53.1-1953 are available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado 80112, telephone number 1-800-854-7179, website: [www.global.ihs.com](http://www.global.ihs.com), at a cost as of the time of adoption of these rules of \$25.00 or is available for inspection at the Michigan Department of Consumer and Industry Services, Standards Division, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909.

(3) The inclusion and choice of warning information or precautionary instructions is at the discretion of the user. If information is included, then the information shall appear in the lower triangle of the warning symbol.

(4) Figure G-11 reads as follows:



1. Place handling and mounting instructions on reverse side.
2. D = Scaling unit.
3. Lettering: Ratio of letter height to thickness of letter lines.
 

Upper triangle :	5 to 1	Large
	6 to 1	Medium
Lower triangle	4 to 1	Small
	6 to 1	Medium
4. Symbol is square, triangles are right-angle isoseles.

Figure G-11

Radio-Frequency Radiation Hazard Warning Symbol

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**NOTICE OF PUBLIC HEARING**

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**DEPARTMENT OF AGRICULTURE**

**RACING COMMISSIONER**

**ORR # 2002-026**

The Office of Racing Commissioner will hold a public hearing on Tuesday, May 21, 2002, from 10:00 a.m. until 12:00 p.m. at 37650 Professional Center Drive, Suite 105A, Livonia, Michigan.

The public hearing is being held to receive public comments on proposed promulgation of a new rule regarding the process for determining the annual simulcast purse pool distribution order.

The hearing is being conducted by the Office of Racing Commissioner under Section 16145 of PA 368 of 1978, as amended, and Executive Reorganization 1996-2, being §§333.16145 and 445.2001 of the Michigan Compiled Laws.

Comments may be presented in person, with written comments available at the time of presentation, or submitted by mail prior to the hearing. Written comments will be accepted at the following address until May 21, 2002, at 5:00 p.m. The proposed rules will be published in the *Michigan Register* or may be obtained from the address below:

Office of Racing Commissioner  
37650 Professional Center Drive, Suite 105A  
Livonia MI 48154-1100  
Attention: Kenn Christopher, Special Projects Administrator  
E-mail address: christopherk@michigan.gov  
Telephone: 734.462.2400

The proposed rule codifies the existing process for determining the annual simulcast purse pool distribution order. The draft rule is also available on the world wide web at: <http://www.michigan.gov/orr>, ORR #2002-026.

The public hearing is conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate mobility-impaired individuals and accessible parking is available. A disabled individual requiring additional accommodations for effective participation in a hearing should call Connie Kowalski at 734.462.2400 (voice) to make the necessary arrangements. To ensure availability of the accommodation, please call at least one (1) week in advance.



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**EXECUTIVE ORDERS  
AND  
EXECUTIVE REORGANIZATION ORDERS**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

*(a) Executive orders and executive reorganization orders.”*

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER  
2002 - 8**

**NATIONAL GUARD ASSISTANCE**

WHEREAS, on April 15 and 16, 2002, a combination of ice dams and rapid snowmelt has resulted in severe flooding in the city of Ironwood, Gogebic County.

WHEREAS, the county of Gogebic has declared a local state of emergency and activated the disaster response and recovery aspects of their emergency operations plan to cope with the situation; and

WHEREAS, I have previously declared a state of emergency to exist in the city of Ironwood and county of Gogebic on April 16, 2002;

WHEREAS, the city of Ironwood has requested the assistance of the Michigan National Guard to provide sandbags, manpower and technical flood fighting assistance to protect the public health, safety and welfare; and

NOW, THEREFORE, by virtue of the constitutional authority vested in me as Commander-in-Chief of the military forces of the State of Michigan and pursuant to Section 151 of Act No. 150 of the Public Acts of 1967, the Adjutant General is hereby directed to order to active state service, units and individuals of the Michigan National Guard which in his discretion he deems appropriate to meet general mission assignments as determined by the state director of emergency management, or his authorized representative. Units or individuals called to active state service will terminate at such time as determined by the Adjutant General after consultation with the state director of emergency management or his representative.

FURTHER, the Emergency Management Division of the Department of State Police shall coordinate and maximize all state efforts, including such units and individuals of the Michigan National Guard which may be activated to state service to assist local units of government affected pursuant to the Michigan Emergency Management Plan.

Given under my hand and the Great Seal of the State of Michigan this Sixteenth day of April in the Year of our Lord, Two Thousand Two.

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GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**EXECUTIVE ORDERS**

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**EXECUTIVE ORDER**

**2002 - 9**

**MICHIGAN CITIZEN CORPS**

**MICHIGAN COMMUNITY SERVICE COMMISSION**

**MICHIGAN DEPARTMENT OF CAREER DEVELOPMENT**

WHEREAS, this administration continues to be committed to encouraging all citizens, organizations and institutions in Michigan to help in solving our most critical problems by volunteering their time, effort, energy and service in times of prosperity as well as dire crisis; and

WHEREAS, the need for homeland security, community health and public safety have increased and have led to the need to call upon the compassion, inventiveness and the entrepreneurial spirit of all citizens to help solve many of the problems facing their communities; and

WHEREAS, it is the standing reputation of this administration to discover and to encourage new community service leaders, to promote individuals, organizations and institutions that serve as outstanding examples of a commitment to serving others, and to convince all Michigan citizens that a successful life includes serving others; and

WHEREAS, significant issues facing the nation and state continue to be addressed by the collaborative efforts of committed citizens volunteering their time and talents through volunteer centers, national service programs, schools, community organizations, government agencies, businesses, labor groups, and a host of other community and state efforts; and

WHEREAS, Michigan has established a comprehensive, intricate and effective community-based and community-driven infrastructure for state-sponsored national and community service through the Michigan Community Service Commission and its public- and private-sector partnering organizations.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

## **I. DEFINITIONS**

A. "Michigan Citizen Corps" means the Michigan initiative created under the federal USA Freedom Corps program by this order.

B. "Michigan Citizen Corps Council" ("council") means the advisory body created within the Michigan Community Service Commission by this order.

C. "Michigan Community Service Commission" ("commission") means the entity established by Act No. 219 of the Public Acts of 1994, as amended, being Section 408.221 et seq. of the Michigan Compiled Laws, that was subsequently transferred to the Department of Career Development by Executive Order 1999-1, as amended, being Section 408.40 of the Michigan Compiled Laws.

D. "Michigan Department of Career Development" ("department") means the principal department of state government created by Executive Order 1999-1, as amended, being Section 408.40 of the Michigan Compiled Laws.

E. "USA Freedom Corps" means the federal interagency initiative created under the terms of Executive Order 13254 of January 29, 2002, (67 CFR 4869) and the Citizen Service Act of 2002, a legislative proposal submitted to the United States Congress by President George W. Bush.

## **II. MICHIGAN CITIZEN CORPS COUNCIL**

A. Consistent with the provisions of Executive Order 13254 and any act of Congress enacted to implement Executive Order 13254, the Michigan Citizens Corps Council is created as an advisory body within the Michigan Community Service Commission.

B. The council shall have twelve (12) members representing the general public appointed by the Governor.

C. Except as otherwise provided in this subsection, members of the council shall hold office for a term of three (3) years. However, of the members initially appointed, four (4) shall hold office for a term of three (3) years, four (4) shall hold office for a term of two (2) years, and four (4) shall hold office for a term of one (1) year.

D. A vacancy on the council caused by the expiration of a term or other cause of termination of membership on the council shall be filled in the same manner as the original appointment.

E. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who he or she is to succeed in the same manner as the original appointment. A member may be reappointed for additional terms.

### **III. CHARGE TO THE COUNCIL**

The council shall be advisory in nature and shall assist the commission with the following functions:

- A. The council shall oversee the development and operation of the Michigan Citizen Corps.
- B. The council shall act as a state-wide advisory council on the Michigan Citizen Corps.
- C. The council shall develop a comprehensive three-year Michigan Homeland Security Citizen Corp Coordination Plan in consultation with the Michigan Department of State Police and other emergency management entities. The plan shall coordinate the use of volunteer resources in furtherance of homeland security. The plan shall describe emergency response plans for volunteer recruitment and placement in times of state or community declared disasters, state agency coordination plans, and current activities at the state and local levels that may help in the development of the Michigan Citizen Corps. This plan shall be updated on an annual basis and shall be submitted to the Governor and the legislature no later than sixty (60) days after the close of each fiscal year.
- D. The council shall assist the commission with the preparation of grant and other funding applications submitted to the USA Freedom Corps and other public and private funding sources for the purposes of implementing the Michigan Citizen Corps initiative.
- E. Subject to appropriations and other applicable law, the council shall assist the commission with the establishment of policies and procedures regarding the use of grant and other funds.
- F. The council shall assist the commission with the development and establishment of local Citizen Corps Councils and local Citizen Corps programs.
- G. The council shall assist the commission in the development of initiatives to promote community service in coordination with existing programs including, but not limited to, Volunteers in Police Service, Neighborhood Watch, Medical Reserve Corps, the Terrorist Information and Prevention System, and Community Emergency Response Teams.

### **IV. OPERATIONS OF THE COUNCIL**

- A. The Governor shall designate one (1) member of the council to serve as chairperson. This member shall serve as Chair at the pleasure of the Governor.
- B. The council may promulgate bylaws, not inconsistent with law and with this Order, governing its organization, operation and procedure.

C. Members of the council shall not delegate their responsibilities to other persons. A majority of the serving members constitutes a quorum for the transaction of business at a meeting. The council shall act by a majority vote of its serving members.

D. The council shall meet at the call of the chairperson and as may be provided in the bylaws of the council. Meetings of the council may be held at any location within the state of Michigan. The council shall meet at least semi-annually.

E. The council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The council may consult with outside experts in order to perform its duties.

F. The council may establish one or more subcommittees consisting of council members to investigate and analyze specific issues, consistent with the charge to the council contained in Section III of this order. The chair of the council, or a member of the council designated by the chair, shall be a member of each subcommittee established by the council. Subcommittees shall recommend proposed actions, plans, comments, formulas, measures, reports or policies to the council, consistent with the council's charge. The council may adopt, reject or modify recommendations proposed by subcommittees.

G. Members of the council shall serve without compensation. Members of the council may receive reimbursement for necessary travel and expenses according to relevant statutes, rules and procedures of the Department of Management and Budget and the Civil Service Commission.

H. The Department may hire or retain such contractors, sub-contractors, advisors, consultants and agents, and may make and enter into contracts necessary or incidental to the exercise of the performance of the council's duties, as the Department Director deems appropriate. Such procurements shall be in accordance with the relevant statutes, rules and procedures of the Department of Management and Budget and the Civil Service Commission.

I. Subject to appropriations and other applicable law, the council may apply for, receive and expend monies from any source, public or private, including but not limited to, gifts, grants, donations of monies and government appropriations. The council may also accept donations of labor, services or other things of value from any public or private agency or person. Individual members of the council shall fully comply with the provisions of the Act No. 196 of the Public Acts of 1973, as amended, being Section 15.341 et seq. of the Michigan Compiled Laws, governing the standards of conduct for public officers and employees of the state of Michigan.

J. Members of the council shall refer all legal, legislative and media contacts to the Department.

K. The council shall be staffed by personnel within the commission as designated by the Executive Director.

## V. MISCELLANEOUS

A. All departments, committees, commissioners or officers of the state or of any political subdivision thereof shall give to the council, or to any member or representative thereof, any necessary assistance required by the council, or any member or representative thereof, in the performance of the duties of the council so far as is compatible with its, his or her duties; free access shall also be given to any books, records or documents in its, his or her custody, relating to matters within the scope of inquiry, study or investigation of the council.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

The provisions of this Executive Order shall become effective upon filing.

Given under my hand and the Great Seal of the State of Michigan this \_\_\_\_\_ day of April, in the Year of our Lord, Two Thousand Two.

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GOVERNOR

BY THE GOVERNOR:

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SECRETARY OF STATE

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**OPINIONS OF THE  
ATTORNEY GENERAL**

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*MCL 14.32 states in part:*

*“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(j) Attorney general opinions. ”*



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**OPINIONS OF THE ATTORNEY GENERAL**

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CITIES: City councilperson serving as member on city historic district commission

INCOMPATIBILITY: Exemption allowing dual holding of public offices in municipalities with population under 25,000

PUBLIC OFFICERS AND OFFICES: 25,000

Under the Incompatible Public Offices Act, the office of Monroe city councilperson is incompatible with the office of historic district commissioner in that city.

Notwithstanding this incompatibility, the Incompatible Public Offices Act contains an exception that permits the governing body of a municipality having a population less than 25,000 to authorize a public officer or public employee to hold such dual public positions.

Opinion No. 7105

April 17, 2002

Honorable Randy Richardville  
State Representative  
The Capitol  
Lansing, MI

You have asked whether, under the Incompatible Public Offices Act, the office of Monroe city councilperson is incompatible with the office of historic district commissioner in that city.

The Incompatible Public Offices Act (Act), 1978 PA 566, MCL 15.181 *et seq*, prohibits the same person from simultaneously holding two or more incompatible public offices. Section 1(b) of the Act defines incompatible public offices as follows:

"Incompatible offices" means public offices held by a public official which, when the official is performing the duties of any of the public offices held by the official, results in any of the following with respect to those offices held:

- (i) The subordination of 1 public office to another.

- (ii) The supervision of 1 public office by another.
- (iii) A breach of duty of public office.

As a threshold issue, it must be determined if the Act applies to the two public offices identified in your question. Under the Act, the term "public officer" includes a person who is elected or appointed to a public office of a city (section 1(e)(ii)), as well as a commission or other public entity of a city. Section 1(e)(iii). Thus, the positions of city councilperson and historic district commission member are both subject to the Act. The determination whether the simultaneous holding of these two public offices results in the subordination of one public office to the other, or the supervision of one public officer by another, requires an examination of the nature and duties of each position.

A city council is the legislative body of a city. *People ex rel Attorney General v Common Council of Detroit*, 29 Mich 108, 112 (1874). Under the Monroe City Charter, the city council is the legislative body of the city.

The Local Historic Districts Act, 1970 PA 169, MCL 399.201 *et seq*, authorizes the creation of historic district commissions. Under this act, a local unit of government may establish historic districts, for historic preservation purposes, to be administered by a historic district commission. Section 3. The legislative body of a local unit of government may, by ordinance, establish an historic district commission and the method for appointing and terminating its members. Section 4. Under the Local Historic Districts Act, a city council may make the historic district commission its agent to accept and administer grants, gifts, and program responsibilities. Section 6. A city council may acquire or sell historic resources based upon recommendations from the historic district commission. Section 7. A city council may prescribe additional powers and duties for

the historic district commission beyond those prescribed in the statute. Section 13. The City of Monroe, Michigan, by ordinance, created an historic district commission and specified that its members be appointed by the mayor and city council. Section 1466.05(b). Under Monroe's ordinance, the city council may remove members of the historic district commission. Section 1466.05(i).

Based on these circumstances, a member of the historic district commission is subordinate to and supervised by Monroe city councilpersons. The Monroe City Council appoints and may remove members of the historic district commission, passes upon commission recommendations to acquire or sell historic resources, and is authorized to prescribe additional powers and duties for the commission. On these facts, the positions are incompatible under sections 1(b)(i) and (ii) of the Act. OAG, 1981-1982, No 6030, p 534 (January 21, 1982); OAG, 1995-1996, No 6854, p 56 (June 8, 1995).

The incompatibility cannot be resolved by a city councilperson abstaining from matters before the Monroe City Council involving the city's historic district commission. OAG, 1995-1996, No 6854, *supra*, at p 57, rejected abstention as a solution to holding two incompatible public positions:

Abstaining from any matters before the city council involving the Board of Public Works will not allow the person in question to hold both positions, since abstention is itself a breach of duty in this context, resulting in incompatibility under section 1(b)(iii) of 1978 PA 566. Only vacation of one of the two public positions will suffice. *Contesti v Attorney General*, 164 Mich App 271, 280-281; 416 NW2d 410 (1987), *lv den* 430 Mich 893 (1988); *Wayne County Prosecutor v Kinney*, 184 Mich App 681, 684-685; 458 NW2d 674, *lv den* 436 Mich 887 (1990).

The preceding determination does not, however, end this analysis. Section 3 of the Incompatible Public Offices Act, which creates an exception for municipalities having a population under 25,000, provides, in part, as follows:

(4) Section 2 does not do any of the following:

\* \* \*

(c) Limit the authority of the governing body of a city, village, township, or county having a population of less than 25,000 to authorize a public officer or public employee to perform, with or without compensation, other additional services for the unit of local government.

The population of Monroe is less than 25,000.<sup>1</sup> Section 3(4)(c) of the Act therefore allows a public officer to perform additional services for the city if authorized to do so by the governing body of the city. OAG, 1993-1994, No 6753, p 20 (March 24, 1993).

It is my opinion, therefore, that under the Incompatible Public Offices Act, the office of Monroe city councilperson is incompatible with the office of historic district commissioner in that city.

It is my further opinion that notwithstanding this incompatibility, the Incompatible Public Offices Act contains an exception that permits the governing body of a municipality having a population less than 25,000 to authorize a public officer or public employee to hold such dual public positions.

JENNIFER M. GRANHOLM  
Attorney General

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<sup>1</sup> According to the 2000 census, the population of Monroe, Michigan, is 22,076.

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**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2002 SESSION)**

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*Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”*

*Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”*

*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.*

*(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”*

**ENROLLED SENATE AND HOUSE BILLS  
SIGNED INTO LAW OR VETOED  
(2002 SESSION)**

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
1		472	Yes	1/21	1/23	01/23/02	<b>STATE;</b> Funds; children's trust fund; revise investment options. ( <b>Sen. S. Johnson</b> )
2	5027		Yes	1/21	1/23	01/23/02	<b>HIGHWAYS;</b> Name; renaming certain portion of M-69; designate as "Oscar G. Johnson Memorial Highway". ( <b>Rep. D. Bovin</b> )
3		430	No	2/6	2/7	**	<b>ENVIRONMENTAL PROTECTION;</b> Other; dark sky preserve; repeal sunset. ( <b>Sen. B. Hammerstrom</b> )
4		471	Yes	2/6	2/7	02/07/02	<b>FINANCIAL INSTITUTIONS;</b> Other; licensing of residential mortgage originator; clarify. ( <b>Sen. B. Leland</b> )
5		615	Yes	2/6	2/7	02/07/02	<b>HIGHWAYS;</b> Name; renaming a certain portion of US-127; establish as the "Gary Priess Memorial Highway." ( <b>Sen. V. Garcia</b> )
6	5436		Yes	2/14	2/14	02/14/02	<b>PROPERTY;</b> Conveyances; transfer of certain state owned properties in Tuscola county and Wayne county; provide for. ( <b>Rep. T. Meyer</b> )
7		682	Yes	2/14	2/14	02/14/02	<b>CHILDREN;</b> Support; citation in divorce law; enact change necessitated by 2001 PA 107. ( <b>Sen. B. Hammerstrom</b> )
8		683	Yes	2/14	2/14	02/14/02	<b>CHILDREN;</b> Support; citation in the family support act; enact changes necessitated by 2001 PA 111. ( <b>Sen. B. Hammerstrom</b> )
9		684	Yes	2/14	2/14	02/14/02	<b>CHILDREN;</b> Support; citation in child custody act; enact change necessitated by 2001 PA 108. ( <b>Sen. B. Hammerstrom</b> )
10		434	Yes	2/14	2/14	02/14/02	<b>CHILDREN;</b> Protection; reporting suspected child abuse or neglect; clarify provisions and add categories of mandated reporters. ( <b>Sen. B. Hammerstrom</b> )

\* - I.E. means Legislature voted to give the Act immediate effect.

\*\* - Act takes effect on the 91<sup>st</sup> day after *sine die* adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

+ - Line item veto

# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
11	4195		Yes	2/18	2/19	02/19/02	<b>HEALTH FACILITIES;</b> Nursing homes; individual responsible for receiving complaints and conducting complaint investigations; require nursing home to have such individual available 24 hours per day, 7 days per week. <b>(Rep. B. Patterson)</b>
12	4980		Yes	2/18	2/19	02/19/02	<b>HIGHWAYS;</b> Name; renaming certain portion of I-69; designate as "Purple Heart Highway." <b>(Rep. P. DeWeese)</b>
13	5005		Yes	2/18	2/19	2/19/02	<b>TRANSPORTATION;</b> Other; motor fuels quality; revise standards and penalties. <b>(Rep. L. Julian)</b>
14	5009		Yes	2/18	2/19	2/19/02	<b>CHILDREN;</b> Abuse or neglect; failure to report; increase penalties. <b>(Rep. M. Middaugh)</b>
15	4487		Yes	2/21	2/21	2/21/02	<b>COMMERCIAL CODE;</b> Sales; price of goods for which a writing is required for an enforceable contract; increase minimum to \$1,000.00. <b>(Rep. J. Koetje)</b>
16	4009		Yes	2/27	2/28	2/28/02	<b>AGRICULTURE;</b> Other; low-interest loans for certain agricultural disasters; provide for. <b>(Rep. R. Jelinek)</b>
17	4812		Yes	2/28	3/1	3/1/02	<b>LIENS; Generally;</b> ownership and lien rights of dies, molds, and forms ; revise. <b>(Rep. A. Richner)</b>
18	5382		Yes	2/28	3/1	3/1/2002 #	<b>COMMERCIAL CODE;</b> Secured transactions; reference to molder's lien act in secured transactions; amend uniform commercial code to provide. <b>(Rep. M. Mortimer)</b>
19	5023		Yes	3/4	3/4	03/04/02	<b>COUNTIES;</b> Other; recording requirements of register of deeds; revise. <b>(Rep. A. Sanborn)</b>
20	5024		Yes	3/4	3/4	03/04/02	<b>PROPERTY;</b> Land contracts; contracts for sale of land; eliminate witness requirement. <b>(Rep. A. Sanborn)</b>
21	5025		Yes	3/4	3/4	03/04/02	<b>LAND USE;</b> Land division; signatures on proprietor's certificate on the plat; eliminate witness requirement. <b>(Rep. A. Sanborn)</b>

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+ - Line item veto

# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
22	5186		Yes	3/4	3/4	03/04/02	<b>COUNTIES</b> ; Employees and officers; requirement for medical examiner to live in county of appointment; eliminate, and repeal acts and parts of acts. ( <b>Rep. G. Van Woerkom</b> )
23	5022		Yes	3/4	3/4	03/04/02	<b>COUNTIES</b> ; Employees and officers; procedure for recording deeds and mortgages; eliminate witness requirement. ( <b>Rep. A. Sanborn</b> )
24		505	No	3/5	3/6	** #	<b>CRIMINAL PROCEDURE</b> ; Sentencing guidelines; sentencing guideline provisions for possession of firearms on commercial airport property; provide for. ( <b>Sen. P. Hoffman</b> )
25		718	Yes	3/5	3/6	03/06/02	<b>WORKER'S COMPENSATION</b> ; Insurers; certain assessments; revise. ( <b>Sen. B. Bullard Jr.</b> )
26		496	Yes	3/5	3/6	03/06/02	<b>INSURANCE</b> ; Insurers; service of process in certain cases; provide for. ( <b>Sen. B. Bullard Jr.</b> )
27	4028		Yes	3/5	3/6	03/06/02	<b>LOCAL GOVERNMENT</b> ; Other; spot blight designation and acquisition; provide for. ( <b>Rep. A. Richner</b> )
28	5389		Yes	3/7	3/7	04/01/02	<b>CRIMINAL PROCEDURE</b> ; Sentencing guidelines; technical amendments; provide for. ( <b>Rep. W. McConico</b> )
29	5390		Yes	3/7	3/7	04/01/02	<b>CRIMINAL PROCEDURE</b> ; Sentencing guidelines; technical amendments; provide for. ( <b>Rep. W. O'Neil</b> )
30	5391		Yes	3/7	3/7	04/01/02	<b>CRIMINAL PROCEDURE</b> ; Sentencing guidelines; technical amendments; provide for. ( <b>Rep. J. Faunce</b> )
31	5392		Yes	3/7	3/7	04/01/02	<b>CRIMINAL PROCEDURE</b> ; Sentencing guidelines; technical amendments; provide for. ( <b>Rep. L. Julian</b> )

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\*\* - Act takes effect on the 91<sup>st</sup> day after *sine die* adjournment of the Legislature.

\*\*\* - See Act for applicable effective date.

+ - Line item veto

# - Tie bar



Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
32		493	Yes	3/7	3/7	03/07/02	<b>INSURANCE</b> ; Other; requirement for commissioner to obtain approval of a circuit court judge before issuing a subpoena in certain cases; eliminate. ( <b>Sen. B. Bullard Jr.</b> )
33	5483		Yes	3/7	3/7	3/7/2002 #	<b>BUSINESSES</b> ; Nonprofit corporations; career development and distance learning; provide for in nonprofit corporation act. ( <b>Rep. J. Gilbert II</b> )
34	5393		Yes	3/7	3/7	***	<b>CRIMINAL PROCEDURE</b> ; Sentencing guidelines; technical amendments; provide for. ( <b>Rep. J. Faunce</b> )
35		541	Yes	3/7	3/7	05/15/02	<b>AERONAUTICS</b> ; Other; general amendments; provide for. ( <b>Sen. W. North</b> )
36	5482		Yes	3/7	3/7	03/07/02	<b>BUSINESSES</b> ; Nonprofit corporations; establishment and operation of registered distance learning corporations; authorize. ( <b>Rep. J. Allen</b> )
37		604	Yes	3/7	3/7	03/07/02	<b>INSURANCE</b> ; Property and casualty; mandatory exams of rating organizations; eliminate. ( <b>Sen. V. Garcia</b> )
38		605	Yes	3/7	3/7	03/07/02	<b>INSURANCE</b> ; No-fault; reference to public service commission certification; revise to the department of transportation. ( <b>Sen. M. Goschka</b> )
39	5139		Yes	3/11	3/12	03/12/02	<b>EDUCATION</b> ; School districts; access to high school campus and certain student directory information for official armed forces recruiting representatives; require. ( <b>Rep. W. Kuipers</b> )
40	4690		Yes	3/11	3/12	03/12/02	<b>STATE</b> ; Interstate compacts and agreements; Michigan participation in the interstate compact for adult offender supervision; establish. ( <b>Rep. C. LaSata</b> )
41	5337		Yes	3/11	3/12	03/12/02	<b>TRANSPORTATION</b> ; Carriers; weight restrictions on certain highways or roads; revise. ( <b>Rep. J. Gilbert II</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
42	4987		Yes	3/12	3/12	03/12/02	<b>OCCUPATIONS;</b> Real estate; procedure for a deposit held by an escrowee; clarify. ( <b>Rep. M. Bishop</b> )
43		180	Yes	3/13	3/14	03/14/02	<b>CRIMES;</b> Prostitution; qualifying underlying offenses to establish second, third, and subsequent offense violations; amend. ( <b>Sen. B. Schuette</b> )
44	4325		Yes	3/13	3/14	6/1/2002 #	<b>CRIMES;</b> Prostitution; criteria for determining prior prostitution offenses; amend to include consideration of local ordinance violations. ( <b>Rep. C. Bisbee</b> )
45	5449		Yes	3/13	3/14	6/1/2002 #	<b>CRIMES;</b> Prostitution; age limit restricting prosecution for certain prostitution violations; revise, and eliminate requirement of knowledge of age of child for certain other sex-related crimes. ( <b>Rep. J. Gilbert II</b> )
46		1029	Yes	3/13	3/14	6/1/2002 #	<b>CRIMES;</b> Prostitution; age limit for charging certain prostitution violations; revise. ( <b>Sen. T. McCotter</b> )
47	5033		Yes	3/13	3/14	6/1/2002 #	<b>CRIMINAL PROCEDURE;</b> Sentencing guidelines; sentencing guidelines for crime of soliciting child to commit an immoral act; enact. ( <b>Rep. M. Kowall</b> )
48		880	Yes	3/14	3/14	11/1/2002 #	<b>PUBLIC UTILITIES;</b> Other; fee structures for use of public rights-of-way; provide for. ( <b>Sen. J. Schwarz</b> )
49		881	Yes	3/14	3/14	03/14/02	<b>COMMUNICATIONS;</b> Telecommunications; Michigan community communications development authority; create. ( <b>Sen. L. Stille</b> )
50		999	Yes	3/14	3/14	3/14/2002 #	<b>PROPERTY TAX;</b> Other; credit for the purchase and installation of certain telecommunications equipment; provide for. ( <b>Sen. V. Garcia</b> )

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\*\*\* - See Act for applicable effective date.

+ - Line item veto

# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
51	4672		Yes	3/12	3/15	03/15/02	<b>EDUCATION</b> ; Other; model local policy concerning the administration of medications to students at school; provide for. ( <b>Rep. J. Hansen</b> )
52		796	Yes	3/12	3/15	*** #	<b>NATURAL RESOURCES</b> ; Trust funds; natural resources trust fund; provide for expanded investment authority. ( <b>Sen. G. McManus Jr.</b> )
53		797	Yes	3/12	3/15	*** #	<b>VETERANS</b> ; Trust fund; investment authority; expand. ( <b>Sen. V. Garcia</b> )
54		798	Yes	3/12	3/15	*** #	<b>NATURAL RESOURCES</b> ; Trust funds; state parks endowment fund; provide for expanded investment authority. ( <b>Sen. C. Dingell</b> )
55		799	Yes	3/12	3/15	*** #	<b>NATURAL RESOURCES</b> ; Trust funds; nongame fish and wildlife trust fund; expand investment authority. ( <b>Sen. A. Smith</b> )
56		800	Yes	3/12	3/15	*** #	<b>NATURAL RESOURCES</b> ; Trust funds; game and fish protection trust fund; expand investment authority. ( <b>Sen. L. Bennett</b> )
57		801	Yes	3/12	3/15	*** #	<b>NATURAL RESOURCES</b> ; Trust funds; Michigan civilian conservation corps endowment fund; expand investment authority. ( <b>Sen. D. Koivisto</b> )
58	5404		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of the revised school code; modify. ( <b>Rep. J. Allen</b> )
59	5405		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of school districts to pay for loans from state; modify. ( <b>Rep. M. Bishop</b> )
60	5406		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority for emergency loans for school districts; repeal. ( <b>Rep. L. DeVuyst</b> )
61	5407		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of the revised school code; modify. ( <b>Rep. J. Gilbert II</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
62	5408		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of the revised school code; modify. ( <b>Rep. J. Howell</b> )
63	5409		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of the revised school code; modify. ( <b>Rep. J. Koetje</b> )
64	5410		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of the revised school code; modify. ( <b>Rep. M. Middaugh</b> )
65	5414		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of the revised school code; modify. ( <b>Rep. S. Thomas III</b> )
66	5412		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of the revised school code; modify. ( <b>Rep. G. Van Woerkom</b> )
67	5413		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of the revised school code; modify. ( <b>Rep. S. Vear</b> )
68	5416		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of the revised school code; modify. ( <b>Rep. L. Lemmons III</b> )
69	5417		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of the revised school code; modify. ( <b>Rep. A. Lipsey</b> )
70	5418		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of the revised school code; modify. ( <b>Rep. J. Rivet</b> )
71	5419		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of the school aid act; modify. ( <b>Rep. M. Waters</b> )
72	5420		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of community colleges; modify. ( <b>Rep. P. Zelenko</b> )
73	5423		Yes	3/14	3/15	03/15/02	<b>LOCAL GOVERNMENT</b> ; Bonds; bonding authority of community colleges; modify. ( <b>Rep. M. Pumford</b> )

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+ - Line item veto

# - Tie bar

Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
74		592	Yes	3/14	3/15	03/15/02	<b>INSURANCE;</b> Third party administrators; requirement that third party administrators have administrative service manager; eliminate. ( <b>Sen. B. Bullard Jr.</b> )
75		692	Yes	3/14	3/15	03/15/02	<b>LAND USE;</b> Farmland and open space; agricultural conservation easement or purchase of development rights; provide that entry into automatically terminates development rights agreement without lien and entitles landowner to tax credit and revise circumstances for relinquishment of farmland from development rights agreement. ( <b>Sen. B. Hammerstrom</b> )
76	5119		Yes	3/14	3/15	03/15/02	<b>LIQUOR;</b> Licenses; small distillery license fee; decrease. ( <b>Rep. S. Rocca</b> )
77	5585		Yes	3/21	3/21	03/21/02	<b>CIVIL PROCEDURE;</b> Civil actions; interest on judgment on a written instrument evidencing indebtedness that bears an interest rate; revise to make application of recent change prospective and provide mechanism for fixing rate when instrument bears a variable interest rate. ( <b>Rep. A. Richner</b> )
78	5205		Yes	3/25	3/25	03/25/02	<b>TRANSPORTATION;</b> Carriers; number of axles allowed on certain designated highways; clarify. ( <b>Rep. J. Gilbert II</b> )
79	4859		Yes	3/25	3/25	03/25/02	<b>CORRECTIONS;</b> Employees; record of controlled substance offenses that were subject to dismissal and discharge; allow to be used by department of corrections or law enforcement agencies for specified purposes. ( <b>Rep. L. Julian</b> )
80	5434		No	3/25	3/25	**	<b>TRADE;</b> Other; grain dealers act; provide general amendments. ( <b>Rep. T. Meyer</b> )
81	4860		Yes	3/25	3/25	03/25/02	<b>NATURAL RESOURCES;</b> Hunting; requirement for lottery to issue wild turkey hunting license; eliminate. ( <b>Rep. M. Mortimer</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
82	5026		Yes	3/25	3/26	03/26/02	<b>WEAPONS;</b> Firearms; transportation requirements for certain firearms ; clarify. ( <b>Rep. S. Vear</b> )
83		884	Yes	3/25	3/26	03/26/02	<b>LEGISLATURE;</b> Auditor general; reference to auditor general in vocational education acts; eliminate. ( <b>Sen. T. McCotter</b> )
84		885	Yes	3/25	3/26	03/26/02	<b>LEGISLATURE;</b> Auditor general; reference to auditor general in social welfare act; eliminate. ( <b>Sen. T. McCotter</b> )
85		886	Yes	3/25	3/26	03/26/02	<b>LEGISLATURE;</b> Auditor general; reference to auditor general regarding commitment to certain institutions; eliminate. ( <b>Sen. T. McCotter</b> )
86		888	Yes	3/25	3/26	03/26/02	<b>LEGISLATURE;</b> Auditor general; reference to auditor general regarding certain auction duties; eliminate. ( <b>Sen. T. McCotter</b> )
87		890	Yes	3/25	3/26	03/26/02	<b>LEGISLATURE;</b> Auditor general; act regarding Michigan dairymen's association; repeal. ( <b>Sen. T. McCotter</b> )
88		894	Yes	3/25	3/26	03/26/02	<b>LEGISLATURE;</b> Auditor general; reference to auditor general in the code of criminal procedure; eliminate. ( <b>Sen. T. McCotter</b> )
89		895	Yes	3/25	3/26	03/26/02	<b>LEGISLATURE;</b> Auditor general; reference to auditor general in the prison code; eliminate. ( <b>Sen. T. McCotter</b> )
90		690	Yes	3/26	3/26	03/26/02	<b>STATE;</b> Authorities; authority to oversee the operation of certain types of airports including Detroit metropolitan Wayne county airport; create. ( <b>Sen. G. Steil</b> )
91	5216		Yes	3/26	3/27	4/9/2002 #	<b>ELECTIONS;</b> Voting equipment; uniform statewide voting system; provide for under certain conditions. ( <b>Rep. B. Patterson</b> )
92	5674		No	3/27	3/27	**	<b>COURTS;</b> Circuit court; certain judicial circuits and judicial districts; reform, and allow the office of district judge and probate judge to be combined in certain counties. ( <b>Rep. K. Bradstreet</b> )

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93	5732		Yes	3/27	3/27	3/27/2002 #	<b>RETIREMENT</b> ; State employees; early retirement for certain state employees; allow under certain circumstances. ( <b>Rep. P. DeWeese</b> )
94	5110		Yes	3/27	3/27	3/27/2002 #	<b>RETIREMENT</b> ; Public school employees; public pension protection and health advance funding; provide for. ( <b>Rep. S. Caul</b> )
95	5112		Yes	3/27	3/27	3/27/2002 #	<b>RETIREMENT</b> ; Judges; public pension protection; provide for. ( <b>Rep. A. Lipsey</b> )
96	5113		Yes	3/27	3/27	3/27/2002 #	<b>RETIREMENT</b> ; State police; public pension protection; provide for. ( <b>Rep. C. Brown</b> )
97	5114		Yes	3/27	3/27	3/27/2002 #	<b>RETIREMENT</b> ; Legislative; public pension protection; provide for. ( <b>Rep. S. Thomas III</b> )
98	5111		Yes	3/27	3/27	3/27/2002 #	<b>RETIREMENT</b> ; Fire and police; public pension protection; provide for. ( <b>Rep. J. Howell</b> )
99	5109		Yes	3/27	3/27	3/27/2002 #	<b>RETIREMENT</b> ; State employees; public pension protection; provide for. ( <b>Rep. J. Voorhees</b> )
100	5108		Yes	3/27	3/27	3/27/2002 #	<b>RETIREMENT</b> ; Generally; public pension protection act; enact. ( <b>Rep. J. Vander Roest</b> )
101	5125		Yes	3/27	3/27	07/01/02	<b>CRIMES</b> ; Larceny; manufacture, distribution, or possession of a theft detection shielding device or of a tool designed to deactivate or remove a theft detection device; prohibit and provide penalties. ( <b>Rep. M. Bishop</b> )
102	5126		Yes	3/27	3/27	7/1/2002 #	<b>CRIMINAL PROCEDURE</b> ; Sentencing guidelines; sentencing guidelines for a theft detection device offense; enact. ( <b>Rep. M. Bishop</b> )
103		887	Yes	3/27	3/27	03/27/02	<b>LEGISLATURE</b> ; Auditor general; reference to auditor general regarding compensation of injured peace officers; eliminate. ( <b>Sen. T. McCotter</b> )
104		889	Yes	3/27	3/27	03/27/02	<b>LEGISLATURE</b> ; Auditor general; reference to auditor general regarding protective committees; eliminate. ( <b>Sen. T. McCotter</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
105		892	Yes	3/27	3/27	03/27/02	<b>LEGISLATURE</b> ; Auditor general; reference to auditor general in the insurance code of 1956; eliminate. ( <b>Sen. T. McCotter</b> )
106		896	Yes	3/27	3/27	03/27/02	<b>LEGISLATURE</b> ; Auditor general; reference to auditor general in university funds; eliminate. ( <b>Sen. T. McCotter</b> )
107	5145		Yes	3/27	3/27	03/27/02	<b>NATURAL RESOURCES</b> ; Other; conservation district annual meeting; allow for change of date. ( <b>Rep. D. Mead</b> )
108	4937		Yes	3/27	3/27	03/27/02	<b>NATURAL RESOURCES</b> ; Fishing; minimum age for voluntary all-species fishing license; eliminate. ( <b>Rep. S. Tabor</b> )
109		543	Yes	3/27	3/27	07/01/02	<b>LIENS</b> ; Garage keepers; garage keeper's lien act; clarify certain procedures. ( <b>Sen. L. Bennett</b> )
110		678	Yes	3/27	3/27	03/27/02	<b>USE TAX</b> ; Collections; motor vehicles held for resale; define price tax base. ( <b>Sen. B. Bullard Jr.</b> )
111	5327		Yes	4/1	4/1	04/01/02	<b>EDUCATION</b> ; Curricula; model financial literacy programs; provide for. ( <b>Rep. M. Bishop</b> )
112		730	Yes	3/29	4/1	04/22/02	<b>CRIMINAL PROCEDURE</b> ; Search and seizure; search warrant affidavits; revise procedures. ( <b>Sen. S. Johnson</b> )
113		930	Yes	3/29	4/1	4/22/2002 #	<b>CRIMES</b> ; Other; certain acts relating to terrorism; prohibit and provide penalties. ( <b>Sen. D. DeGrow</b> )
114		936	Yes	3/29	4/1	5/1/2002 #	<b>CRIMINAL PROCEDURE</b> ; Grand jury; certain grand jury information regarding terrorism-related offenses; clarify information sharing procedures. ( <b>Sen. B. Bullard Jr.</b> )
115		939	Yes	3/29	4/1	4/22/2002 #	<b>CRIMES</b> ; Other; crime of obtaining certain diagrams or descriptions of vulnerable targets with the intent to commit a terrorist act; create. ( <b>Sen. J. Schwarz</b> )

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Public Act No.	Enrolled House Bill	Enrolled Senate Bill	I.E.* Yes / No	Governor Approved Date	Filed Date	Effective Date	Subject
116		940	Yes	3/29	4/1	4/22/2002 #	<b>CRIMES;</b> Definitions; definition of vulnerable target in explosives chapter of penal code; expand to include stadiums, critical transportation infrastructures, and public services providers. ( <b>Sen. W. North</b> )
117		942	Yes	3/29	4/1	4/22/2002 #	<b>CRIMES;</b> Other; use of the internet or other electronic or telecommunication system or device to disrupt critical infrastructures or governmental operations; provide penalties. ( <b>Sen. B. Hammerstrom</b> )
118		943	Yes	3/29	4/1	05/01/02	<b>TRANSPORTATION;</b> Carriers; penalties for the transportation of hazardous materials without a hazardous materials endorsement; increase. ( <b>Sen. K. Sikkema</b> )
119		948	Yes	3/29	4/1	4/22/2002 #	<b>CRIMINAL PROCEDURE;</b> Statute of limitations; statute of limitations for certain crimes involving terrorism; eliminate. ( <b>Sen. M. Goschka</b> )
120		949	Yes	3/29	4/1	4/22/2002 #	<b>CRIMINAL PROCEDURE;</b> Sentencing; restitution to all governmental entities for terrorist activities; require. ( <b>Sen. L. Bennett</b> )
121		994	Yes	3/29	4/1	04/01/02	<b>MILITARY AFFAIRS;</b> Other; military leaves and reemployment protection for members of the military who have been called to active service; clarify. ( <b>Sen. A. Miller Jr.</b> )
122		995	Yes	3/29	4/1	4/22/2002 #	<b>CRIMINAL PROCEDURE;</b> Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. ( <b>Sen. D. Koivisto</b> )
123		996	Yes	3/29	4/1	4/22/2002 #	<b>CRIMINAL PROCEDURE;</b> Sentencing guidelines; sentencing guidelines for crime of certain threats and false reports relating to terrorism; enact. ( <b>Sen. D. Byrum</b> )
124		997	Yes	3/29	4/1	4/22/2002 #	<b>CRIMES;</b> Other; terrorism; include as predicate offense for racketeering violation. ( <b>Sen. B. Leland</b> )

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125		1005	Yes	3/29	4/1	04/01/02	<b>HEALTH FACILITIES;</b> Hospitals; biohazard detection and handling plan; require each hospital to establish. ( <b>Sen. M. Scott</b> )
126	4037		Yes	3/29	4/1	04/22/02	<b>TRAFFIC CONTROL;</b> Driver license; penalties for an individual who reproduces, alters, counterfeits, forges, or duplicates a license photograph; increase. ( <b>Rep. J. Faunce</b> )
127	5041		Yes	3/29	4/1	4/22/2002 #	<b>TRAFFIC CONTROL;</b> Driver license; sentencing guidelines for crimes relating to forging driver licenses; enact. ( <b>Rep. J. Kooiman</b> )
128	5270		Yes	3/29	4/1	04/22/02	<b>CRIMINAL PROCEDURE;</b> Search and seizure; search warrant affidavits; declare to be nonpublic information. ( <b>Rep. S. Caul</b> )
129	5295		Yes	3/29	4/1	04/22/02	<b>CRIMINAL PROCEDURE;</b> Jurisdiction; jurisdiction for prosecution of criminal offense; clarify. ( <b>Rep. G. DeRossett</b> )
130	5349		Yes	3/29	4/1	05/01/02	<b>CIVIL RIGHTS;</b> Public records; critical infrastructure; exempt from freedom of information act. ( <b>Rep. M. Shulman</b> )
131	5495		Yes	3/29	4/1	4/22/2002 #	<b>CRIMES;</b> Other; certain acts relating to terrorism; prohibit and provide penalties. ( <b>Rep. J. Howell</b> )
132	5496		Yes	3/29	4/1	05/01/02	<b>STATE;</b> Planning; Michigan emergency management act; revise powers and duties. ( <b>Rep. G. Newell</b> )
133	5501		Yes	3/29	4/1	05/01/02	<b>MILITARY AFFAIRS;</b> Other; procedure for granting immunity to certain military personnel ordered to respond to acts or threats of terrorism, procedure for apprehending individuals, access restrictions to real property used for military purposes, and plans for defense of state; authorize and clarify. ( <b>Rep. R. Richardville</b> )

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134	5506		Yes	3/29	4/1	04/22/02	<b>CRIMES</b> ; Other; crime of using, delivering, or possessing an imitation explosive; include possession as violation. <b>(Rep. C. Phillips)</b>
135	5507		Yes	3/29	4/1	04/22/02	<b>CRIMES</b> ; Other; penalties for knowingly placing a harmful substance in food or water supply; increase. <b>(Rep. G. Woronchak)</b>
136	5509		Yes	3/29	4/1	4/22/2002 #	<b>CRIMES</b> ; Money laundering; terrorism; include in definition of "specified criminal offense". <b>(Rep. N. Quarles)</b>
137		946	Yes	4/1	4/1	4/22/2002 #	<b>CRIMINAL PROCEDURE</b> ; Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. <b>(Sen. W. Van Regenmorter)</b>
138		468	Yes	4/1	4/1	04/01/02	<b>PROPERTY</b> ; Conveyances; certain parcels of state owned property in Genesee, Wayne, and Kalkaska counties; provide for conveyance. <b>(Sen. J. Cherry Jr.)</b>
139		899	Yes	4/1	4/1	04/01/02	<b>LEGISLATURE</b> ; Auditor general; reference to auditor general for federal roads; eliminate. <b>(Sen. T. McCotter)</b>
140	5511		Yes	4/1	4/1	4/22/2002 #	<b>CRIMES</b> ; Definitions; definition of vulnerable target in explosives chapter of penal code; expand to include certain other structures and facilities. <b>(Rep. L. Toy)</b>
141	5512		Yes	4/1	4/1	4/22/2002 #	<b>CRIMINAL PROCEDURE</b> ; Other; compensation to victims and payment of expenses for government response for terrorism-related offenses; provide for. <b>(Rep. G. Jacobs)</b>
142	5513		Yes	4/1	4/1	05/01/02	<b>CRIMINAL PROCEDURE</b> ; Forfeiture; seizure and forfeiture of property used in connection with a terrorism-related offense; provide for. <b>(Rep. C. LaSata)</b>

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143	5520		Yes	4/1	4/1	4/22/2002 #	<b>CRIMINAL PROCEDURE;</b> Sentencing guidelines; certain crimes involving terrorism; include in sentencing guidelines. <b>(Rep. D. Bovin)</b>
144		1105	Yes	4/1	4/1	4/1/2002 +	<b>APPROPRIATIONS;</b> Higher education; higher education; provide for fiscal year 2002-2003. <b>(Sen. J. Schwarz)</b>
145		902	Yes	4/1	4/2	04/02/02	<b>LEGISLATURE;</b> Auditor general; reference to auditor general in hospitals and sanatoria; eliminate. <b>(Sen. T. McCotter)</b>
146	5400		Yes	4/1	4/2	04/02/02	<b>INSURANCE;</b> Life; ability to provide excess loss insurance; provide for. <b>(Rep. L. Julian)</b>
147	5328		Yes	4/1	4/2	04/02/02	<b>PROPERTY;</b> Land contracts; definition of “real estate mortgage”; clarify. <b>(Rep. M. Bishop)</b>
148	5118		Yes	Unsigned	4/5	04/05/02	<b>NATURAL RESOURCES;</b> Gas and oil; slant drilling beneath Great Lakes; prohibit except for existing leases. <b>(Rep. S. Shackleton)</b>
149	5021		Yes	4/8	4/8	07/01/02	<b>TRAFFIC CONTROL;</b> Speed restrictions; penalties for violation of speed limit in construction zone; increase number of points added to driving record. <b>(Rep. J. Allen)</b>
150		811	Yes	4/8	4/8	04/08/02	<b>TRANSPORTATION;</b> Other; use of rights-of-way, structures, welcome centers, and rest stops for commercial intelligent transportation system applications; allow. <b>(Sen. B. Bullard Jr.)</b>
151		812	Yes	4/8	4/8	04/08/02	<b>TRANSPORTATION;</b> Other; use of rights-of-way, structures, welcome centers, and rest stops for commercial intelligent transportation system applications; allow. <b>(Sen. B. Bullard Jr.)</b>
152	5422		Yes	4/8	4/8	04/08/02	<b>LOCAL GOVERNMENT;</b> Bonds; bonding authority of community colleges; modify. <b>(Rep. T. Meyer)</b>

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153		897	Yes	4/8	4/8	04/08/02	<b>LEGISLATURE;</b> Auditor general; reference to auditor general regarding veteran's trust funds; eliminate. ( <b>Sen. T. McCotter</b> )
154		898	Yes	4/8	4/8	04/08/02	<b>LEGISLATURE;</b> Auditor general; reference to auditor general in state board of equalization; eliminate. ( <b>Sen. T. McCotter</b> )
155		900	Yes	4/8	4/8	04/08/02	<b>AGRICULTURE;</b> Other; act to reimburse for pest eradication; repeal. ( <b>Sen. T. McCotter</b> )
156		901	Yes	4/8	4/8	04/08/02	<b>LEGISLATURE;</b> Auditor general; reference to auditor general for agricultural college lands; eliminate. ( <b>Sen. T. McCotter</b> )
157		385	Yes	4/8	4/8	01/01/03	<b>EDUCATION;</b> Board members; requirements for nomination as a candidate for office of school board; revise. ( <b>Sen. K. Sikkema</b> )
158		386	Yes	4/8	4/8	01/01/03	<b>ELECTIONS;</b> Candidates; requirements for nomination as a candidate for county commissioner; revise. ( <b>Sen. T. McCotter</b> )
159		387	Yes	4/8	4/8	01/01/03	<b>LIBRARIES;</b> District; requirements for nomination as a candidate for district library board; revise. ( <b>Sen. B. Hammerstrom</b> )
160		388	Yes	4/8	4/8	01/01/03	<b>LIBRARIES;</b> Other; requirements for nomination as a candidate for office of library board; revise. ( <b>Sen. B. Hammerstrom</b> )
161		1100	Yes	4/8	4/8	04/08/02	<b>APPROPRIATIONS;</b> Community colleges; community and junior colleges; provide for fiscal year 2002-2003. ( <b>Sen. H. Gast</b> )
162		397	Yes	4/8	4/8	04/08/02	<b>STATE;</b> Symbol; mastodon; establish as state fossil. ( <b>Sen. T. McCotter</b> )
163	5335		Yes	4/9	4/9	04/09/02	<b>ELECTIONS;</b> Ballots; provisions regulating names and designations on ballots; revise and clarify. ( <b>Rep. A. Richner</b> )
164		346	Yes	4/10	4/11	04/11/02	<b>TORTS;</b> Liability; definition of wrongful or negligent act against a pregnant individual; expand to include the death of the embryo or fetus. ( <b>Sen. W. Van Regenmorter</b> )

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165		971	Yes	4/10	4/11	04/11/02	<b>LOCAL GOVERNMENT;</b> Bonds; bonding authority of the property tax act; modify. <b>(Sen. S. Johnson)</b>
166		973	Yes	4/10	4/11	04/11/02	<b>LOCAL GOVERNMENT;</b> Bonds; bonding authority of the property tax act; modify. <b>(Sen. D. Byrum)</b>
Veto	4022					03/15/02	<b>TRAFFIC CONTROL;</b> Speed restrictions; speed limits; allow input by townships in setting certain speed limits. <b>(Rep. R. Jamnick)</b>

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**MICHIGAN ADMINISTRATIVE CODE TABLE**  
**(2002 SESSION)**

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*MCL 24.208 states in part:*

*“Sec. 8. (1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:*

\* \* \*

*(i) Other official information considered necessary or appropriate by the office of regulatory reform.”*

*The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).*

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**MICHIGAN ADMINISTRATIVE CODE TABLE**  
**(2002 RULE FILINGS)**

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R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
281.1224	*	3	285.1317	*	6	285.1516	R	6
285.351	N	4	285.1318	*	6	285.1517	*	6
285.352	N	4	285.1319	*	6	285.1601	R	6
285.353	N	4	285.1320	*	6	285.1602	*	6
285.354	N	4	285.1321	*	6	285.1603	*	6
285.355	N	4	285.1322	*	6	285.1604	*	6
285.356	N	4	285.1323	*	6	285.1605	*	6
285.808.1	*	8	285.1324	*	6	285.1606	*	6
285.808.2	*	8	285.1325	*	6	285.1607	*	6
285.814.1	*	8	285.1326	*	6	285.1608	R	6
285.814.2	*	8	285.1327	*	6	285.1609	R	6
285.814.3	*	8	285.1328	*	6	285.1701	*	6
285.814.4	*	8	285.1329	*	6	285.1702	*	6
285.814.5	*	8	285.1330	*	6	285.1703	*	6
285.814.7	*	8	285.1331	*	6	285.1704	*	6
285.820.1	*	8	285.1332	*	6	285.1705	*	6
285.820.5	*	8	285.1401	*	6	285.1801	*	6
285.820.6	*	8	285.1402	R	6	285.1901	*	6
285.1101	*	6	285.1403	*	6	285.1902	*	6
285.1102	*	6	285.1404	R	6	285.1903	*	6
285.1103	*	6	285.1405	*	6	285.1904	*	6
285.1104	*	6	285.1406	*	6	285.1905	*	6
285.1201	*	6	285.1407	R	6	285.1906	*	6
285.1202	*	6	285.1408	*	6	285.1907	*	6
285.1203	*	6	285.1501	*	6	291.301	*	8
285.1301	*	6	285.1510a	A	6	291.303	*	8
285.1302	*	6	285.1502	*	6	291.304	*	8
285.1303	*	6	285.1503	*	6	291.311	*	8
285.1304	*	6	285.1504	*	6	291.312	*	8
285.1306	*	6	285.1505	*	6	291.313	*	8
285.1307	*	6	285.1506	*	6	291.314	*	8
285.1308	*	6	285.1507	*	6	291.315	*	8
285.1309	*	6	285.1508	*	6	291.316	*	8
285.1310	*	6	285.1509	*	6	291.317	*	8
285.1311	*	6	285.1510	*	6	291.318	*	8
285.1312	*	6	285.1511	*	6	291.319	*	8
285.1313	*	6	285.1512	*	6	291.321	*	8
285.1314	*	6	285.1513	*	6	291.322	*	8
285.1315	*	6	285.1514	*	6	291.331	*	8
285.1316	*	6	285.1515	*	6	291.332	*	8

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
291.333	*	8	291.401	*	8	336.1371	*	5
291.334	*	8	291.402	*	8	336.1372	*	5
291.335	*	8	291.403	*	8	336.1374	*	5
291.336	*	8	291.404	*	8	336.1401	*	5
291.337	*	8	291.405	*	8	336.1403	*	5
291.338	*	8	291.407	A	8	336.1601	*	5
291.339	*	8	291.413	*	8	336.1602	*	5
291.341	*	8	291.422	*	8	336.1604	*	5
291.342	*	8	291.423	*	8	336.1605	*	5
291.343	*	8	291.424	A	8	336.1606	*	5
291.344	*	8	291.425	*	8	336.1607	*	5
291.345	*	8	291.426	*	8	336.1608	*	5
291.346	*	8	291.427	*	8	336.1610	*	5
291.347	*	8	291.441	*	8	336.1615	*	5
291.351	*	8	291.442	*	8	336.1616	*	5
291.352	*	8	291.443	*	8	336.1617	*	5
291.353	*	8	291.449	*	8	336.1618	*	5
291.354	*	8	291.450	*	8	336.1619	*	5
291.355	*	8	291.471	*	8	336.1622	*	5
291.356	*	8	291.472	R	8	336.1623	*	5
291.357	*	8	291.473	R	8	336.1627	*	5
291.358	*	8	291.475	R	8	336.1628	*	5
291.359	*	8	291.476	R	8	336.1629	*	5
291.360	*	8	291.478	R	8	336.1630	*	5
291.363	*	8	291.479	R	8	336.1631	*	5
291.365	*	8	291.480	R	8	336.1651	*	5
291.375	*	8	291.491	*	8	336.1701	*	5
291.377	*	8	291.492	*	8	336.1702	*	5
291.378	*	8	291.493	*	8	336.1703	*	5
291.379	*	8	291.494	*	8	336.1704	*	5
291.381	*	8	291.495	R	8	336.1705	*	5
291.391	*	8	291.496	*	8	336.1901	*	5
291.392	*	8	291.497	*	8	336.1906	*	5
291.393	*	8	325.60151	*	1	336.1911	*	5
291.394	*	8	325.66201	A	4	336.1930	*	5
291.395	*	8	325.77101	*	1	336.1931	*	5
291.397	*	8	336.1301	*	5	336.1932	*	5
291.398	*	8	336.1303	*	5	336.2001	*	5
291.399	*	8	336.1330	*	5	336.2002	*	5
291.400a	A	8	336.1331	*	5	336.2003	*	5

(\* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue	R Number	Action	2002 MR Issue
336.2004	*	5	338.3143	*	7	408.11855	*	7
336.2005	*	5	338.3145	*	7	408.11857	*	7
336.2007	*	5	338.3151	*	7	408.11859	*	7
336.2011	*	5	338.3152	*	7	408.11861	*	7
336.2012	*	5	338.3153	*	7	408.11865	*	7
336.2013	*	5	338.3153a	*	7	408.11871	*	7
336.2014	*	5	338.3154	*	7	408.11872	*	7
336.2021	*	5	338.3161	*	7	408.11873	A	7
336.2040	*	5	338.3162	*	7	408.11874	A	7
336.2041	*	5	338.3162a	*	7	408.11875	*	7
336.2060	*	5	338.3163	*	7	418.101002	*	1
336.2101	*	5	338.3167	*	7	418.10107	*	1
336.2150	*	5	338.3168	*	7	418.10115	*	1
336.2155	*	5	338.3169	*	7	418.10116	*	1
336.2159	*	5	338.3170	*	7	418.10117	*	1
336.2170	*	5	408.11801	*	7	418.10202	*	1
336.2175	*	5	408.11803	*	7	418.10205	*	1
336.2189	*	5	408.11804	*	7	418.10405	R	1
336.2190	*	5	408.11805	*	7	418.10406	R	1
338.1555	A	1	408.11806	*	7	418.10407	R	1
338.3101	*	7	408.11807	A	7	418.10411	R	1
338.3102	*	7	408.11808	A	7	418.10415	R	1
338.3113	*	7	408.11821	*	7	418.10501	R	1
338.3113a	*	7	408.11822	*	7	418.10502	R	1
338.3114a	*	7	408.11824	*	7	418.10503	R	1
338.3117	*	7	408.11825	*	7	418.10901	*	1
338.3119a	*	7	408.11826	R	7	418.10904	*	1
338.3120	*	7	408.11827	A	7	418.10909	A	1
338.3121a	A	7	408.11833	A	7	418.10912	*	1
338.3123	*	7	408.11835	*	7	418.10916	*	1
338.3125	*	7	408.11837	R	7	418.10918	R	1
338.3126	A	7	408.11841	*	7	418.10923	*	1
338.3127	*	7	408.11843	*	7	418 101005	A	1
338.3132	*	7	408.11844	A	7	421.121	*	7
338.3133	R	7	408.11845	*	7	421.122	*	7
338.3134	R	7	408.11847	*	7	421.150	*	7
338.3136	*	7	408.11851	*	7	421.190	*	7
338.3138	*	7	408.11852	*	7	421.201	*	7
338.3139	*	7	408.11853	*	7	421.204	*	7
338.3141	*	7	408.11854	A	7	421.216	*	7

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2002 MR Issue Number	R Number	Action	2002 MR Issue Number	R Number	Action	2002 MR Issue Number
421. 210	*	7	423.164	A	1	423.447	R	1
423.101	A	1	423.165	A	1	423.448	R	1
423.102	A	1	423.166	A	1	423.449	R	1
423.103	A	1	423.167	A	1	423.450	R	1
423.104	A	1	423.171	A	1	423.451	R	1
423.105	A	1	423.172	A	1	423.452	R	1
423.121	A	1	423.173	A	1	423.453	R	1
423.122	A	1	423.174	A	1	423.454	R	1
423.123	A	1	423.175	A	1	423.455	R	1
423.124	A	1	423.176	A	1	423.456	R	1
423.131	A	1	423.177	A	1	423.461	R	1
423.132	A	1	423.178	A	1	423.462	R	1
423.133	A	1	423.179	A	1	423.463	R	1
423.134	A	1	423.181	A	1	423.464	R	1
423.135	A	1	423.182	A	1	423.465	R	1
423.136	A	1	423.183	A	1	423.466	R	1
423.137	A	1	423.184	A	1	423.467	R	1
423.138	A	1	423.191	A	1	423.468	R	1
423.141	A	1	423.192	A	1	423.469	R	1
423.142	A	1	423.193	A	1	423.470	R	1
423.143	A	1	423.194	A	1	423.471	R	1
423.144	A	1	423.401	R	1	423.472	R	1
423.145	A	1	423.403	R	1	423.481	R	1
423.146	A	1	423.405	R	1	423.482	R	1
423.147	A	1	423.407	R	1	423.483	R	1
423.148	A	1	423.411	R	1	423.484	R	1
423.149	A	1	423.421	R	1			
423.149a	A	1	423.422	R	1			
423.149b	A	1	423.423	R	1			
423.151	A	1	423.431	R	1			
423.152	A	1	423.432	R	1			
423.153	A	1	423.433	R	1			
423.154	A	1	423.434	R	1			
423.155	A	1	423.435	R	1			
423.156	A	1	423.441	R	1			
423.157	A	1	423.442	R	1			
423.158	A	1	423.443	R	1			
423.161	A	1	423.444	R	1			
423.162	A	1	423.445	R	1			
423.163	A	1	423.446	R	1			

(\* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



---

**CUMULATIVE  
INDEX**

---

**A**

**AGRICULTURE, DEPARTMENT OF**

Agriculture Development Division

Regulation NO. 351. Julian Stille Value-Added Agricultural Development Fund, R 285.351 - 285.356 (2002-4)

Fairs, Exhibitions, and Racing Division

Regulation No. 851. Michigan State Fair, R 291.301 - 291.497 (2002-8)

Regulation No. 808. Payment of Breeders' Awards, R 285.808.1 - 285.808.4 (2002-8)

Regulation No. 814. Futurity and Sire Stakes Races, R 285.814.1 - 285.814.9 (2002-8)

Regulation No. 820. Michigan-Bred Pari-Mutuel Races, R 285.820.1 - 285.820.7 (2002-8)

Pesticide and Plant Pest Management Division

Regulation No. 628. Seed Potato Certification, R 285.628.1 - 285.628.14 (\*2002-8)

Racing Commission

General Rules, R 431.1001 - 431.4290 (\*2002-7)

Notice of Public Hearing – (2002-7); (2002-8)

**ATTORNEY GENERAL**

**Opinions**

Banks and Banking, Constitutional Law, Financial Institutions, Interest, Usury

OAG 7100 (2002-1)

Campaign Finance Act, Casinos, Elections, Gambling, Political Activity  
OAG 7099 (2002-1)

Cities, Incompatibility, Public Officers and Offices  
OAG 7105 (2002-8)

Concealed Weapons, Firearms, Private Detectives  
OAG 7097 (2002-1)

Concealed Weapons, Firearms, Law Enforcement, Peace Officers, Police  
OAG 7098 (2002-1)

Concealed Weapons, Counties, Firearms, Sheriffs  
OAG 7102 (2002-5)

Counties, Municipalities  
OAG 7096 (2002-1)

Criminal law, Firearms, Law Enforcement, Peace Officers, Police  
OAG 7101 (2002-5)

Motor Vehicles  
OAG 7104 (2002-7)

## C

### **COMMUNITY HEALTH, DEPARTMENT OF**

Certificate of Need – Review Standards for Positron Emission Tomography (PET) Scanner Services (2002-4)

### **CONSUMER AND INDUSTRY SERVICES, DEPARTMENT OF**

Board of Pharmacy

Controlled Substances, R 338.3101 - 338.3199q (2002-7)

Bureau of Commercial Services

Residential Builders and maintenance and Alteration Contractors,  
R 338.1555 - 338.1555 (2002-1)

Bureau of Construction Codes

Elevators, R 408.8101 - 408.8191 (\*2002-5)  
Notice of Public Hearing – (2002-5)

Bureau of Safety and Regulation

Construction Safety Standard Part 18. Fire Protection and Prevention, R 408.41801 - 408.41884  
(\*2002-5)

Overhead and Gantry Cranes, R 408.11801 - 408.11875 (2002-7)

Part 1. General Rules, Construction Safety Standards, R 408.40101 - 408.40133 (\*2002-8)

Bureau of Workers' Disability Compensation

Worker's Compensation Health Care Services, R 418.10101 - 418.10501 (2002-1)

Construction Safety Standards Commission

Part 26. Steel and Precast Erection, R 408.42601 - 408.42656 (\*2002-7)

Employee Relations Commission

General Rules, R 423.401 - 423.499 (2002-1)

Occupational Health Standards

Air Contaminants for Construction, R 325.60151 - 325.60161 (2002-1)

Benzene, R 325.77101 - 325.77115 (2002-1)

OH Standard Rule 6610 - Medical Services and First Aid, R 325.66201 - 325.66201 (2002-4)

Part 382. Nonionizing Radiation,

Public Service Commission

Telecommunication Services, (\*2001-13)

Notice of Public Hearing, (2001-13), (2002-3)

Unemployment Agency

Unemployment Agency Rules, R 421.1 - 421.302 (2002-7)

## **E**

### **ENVIRONMENTAL QUALITY, DEPARTMENT OF**

Air Pollution Control

Part 3. Emission Limitations and Prohibitions - Particulate Matter, R 336.1301 - 336.1374 (2002-5)

Part 4. Emissions Limitations and Prohibitions - Sulfur-Bearing Compounds, R 336.1401 - 336.1404 (2002-5)

Part 6. Emission Limitations and Prohibitions – Existing Sources for Volatile Organic Compounds Emissions, R 336.1601 - 336.1651 (2002-5)

Part 7. Emission Limitation and Prohibitions – New Sources of Volatile Organic Compounds Emissions, R 336.1701 - 336.1710 (2002-5)

Part 9. Emission Limitations and Prohibitions – Miscellaneous, R 336.1901 - 336.1942 (2002-5)

Part 10. Intermittent Testing and Sampling, R 336.2001 - 336.2060 (2002-5)

Part 11. Continuous Emission Monitoring, R 336.2101 - 336.2199 (2002-5)

Drinking Water and Radiological Protection Division,

Part 4. Public Notification and Public Education, R 325.10401 - 325.10420 (\*2002-1)

Part 6. State Drinking Water Standards and Analytical Techniques, R 325.10601 - 325.10609 (\*2002-1)

Part 7. Surveillance, Inspection, and Monitoring, R 325.10701 - 325.10738 (\*2002-1)

Part 1. General Provisions, R 325.10101 - 325.10115 (\*2002-1)

Part 15. Operation Reports and Recordkeeping, R 325.11501 - 325.11506 (\*2002-1)  
Notice of Public Hearing – (2002-1)

Environmental Response Division

Environmental Contamination Response Activity, R 299.5501 – 299.5519 (\*2001-12), (\*2002-3)  
Notice of Public Hearing – (2001-12), (2002-3)

## **EXECUTIVE OFFICE**

### **Executive Orders**

No. 4 Executive Order (2002-5)

No. 8 Executive Order (2002-8)

### **Executive Organization**

No.1 Executive Reorganization (2002-2)

No. 2 Executive Reorganization (2002-4)

No. 3 Executive Reorganization (2002-5)

No. 5 Executive Reorganization (2002-4)

No. 6 Executive Reorganization (2002-5)

No. 7 Executive Reorganization (2002-7)

No. 9 Executive Reorganization (2002-8)

## **H**

## **HISTORY, ARTS, AND CULTURE, DEPARTMENT OF**

Mackinac Island State Park Commission

General Rules, R 318.111 - 318.147 (\*2002-7)

Notice of Public Hearing – (\*2002-7)

## **N**

## **NATURAL RESOURCES, DEPARTMENT OF**

Law Enforcement Division

Marine Collisions, Accidents, and Other Casualties, R 281.1221 - 281.1226 (2002-3)

Wildlife Division

Endangered and Threatened Species, R 299.1021 - R 299.1028 (\*2002-1)

Notice of Public Hearing – (2002-01)